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***Editor's note**—The Zoning Ordinance was adopted by the Board of Supervisors on December 5, 1967. It is reprinted herein, with amendments, from a pamphlet compiled by County personnel. Amendments are indicated by history notes appearing in parentheses () at the end of the amended section or subsection. These notes were added by the editor. This republication of the Zoning Ordinance reflects the numerous changes made since Supplement 13 which have resulted in significant repagination of the Ordinance. For ease of future updates, each Article will now start on a separate page.

Cross references—Zoning Ordinance not affected by Code or ordinance adopting Code, § 2-14 et seq.; automobile graveyards, Ch. 5; building regulations, Ch. 6; erosion and sedimentation control, Ch. 8; motor vehicles and traffic, Ch. 10; water supply, Ch. 14; Subdivision Ordinance, App. B.

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Whereas, by act of the General Assembly of Virginia as provided in Chapter 22, Article 7, §§ 15.2-2280 through 15.2-2315, Code of Virginia, and amendments thereto, the governing body of any County or municipality may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purposes of this Article, and in each district it may regulate, restrict, permit, prohibit and determine the following:

- a. The use of land, buildings, structures and other premises for agricultural, commercial, industrial, residential, floodplain and other specific uses.
- b. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures.
- c. The areas and dimensions of land, water and air space to be occupied by buildings, structures and uses, and of courts, yards and other open spaces to be left unoccupied by uses and structures, including variations in the size of lots based on whether a public or community water supply or sewer system is available and used.
- d. The excavation or mining of soils or other natural resources.
- d. To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.
- e. To protect against destruction of or encroachment upon historic areas.
- f. To protect against one (1) or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health or property from fire, flood, panic or other dangers.

Therefore, be it ordained by the Board of Supervisors of the County of Culpeper, Virginia, for the purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-2280, Code of Virginia, that the following be adopted as the Zoning Ordinance of the County of Culpeper, Virginia, together with the accompanying map. This ordinance has been designed:

- a. To provide for adequate light, air, convenience of access and safety from fire, flood and other dangers.
- b. To reduce or prevent congestion in the public streets.
- c. To facilitate the creation of a convenient, attractive and harmonious community.

ARTICLE 1. DISTRICTS

1-1. Establishment.

For the purpose of this ordinance, the County of Culpeper, Virginia, is hereby divided into the following districts:*

Agricultural	A-1
Rural Area	RA
Rural Residential	RR
Residential	R-1
Residential	R-2
Residential	R-3
Residential	R-4
Residential	RMH
Convenience Center District	C-C
Village Center Commercial District	VC
Commercial Services District	CS
Office District	OC
Shopping Center District	SC
Light Industry-Industrial Park District	LI
Industrial District	HI
Floodplain	FP
Planned Unit Development	PUD
Watershed Management District	WMD
Airport Safety	—
Agricultural and Forestal Districts	—
Planned Business District	PBD

(Ords. of 5-24-1989, 6-12-1996, 4-4-2000)

Editor's note—The amendment of 6-12-1996 changed the name of Agricultural District A-2 to Rural Area District RA to more accurately reflect the character of the district. The amendment of 4-4-2000 updated this list to include all current zoning districts.

1-2. Terminology.

As used in this ordinance, the following terms shall have the meanings indicated:

1-2-1 A District:

Any agricultural district, the first letter of the symbol for which is the letter "A."

1-2-2 C District:

Any commercial district, one (1) letter of the symbol for which is the letter "C".

1-2-3 I District:

Any industrial district, one (1) letter of the symbol for which is the letter "I".

***Editor's note**—The following enumeration of districts was updated pursuant to an ordinance of 11-6-1991 to match the text of the Chapter.

1-2-4 R District:

Any residential district, the symbol for which is the letter "R", followed by a number.

1-2-5 RR or RA District:

Any rural district, the symbol for which is two (2) letters, the first of which is "R".

(Ord. of 6-12-1996, 4-4-2000)

Editor's note—The amendment of 6-12-1996 changed the name of Agricultural District A-2 to Rural Area District RA so as to use terminology more consistent with the Comprehensive Plan. The amendment of 4-4-2000 modified the descriptions to more accurately reflect the current zoning categories.

1-3. Locations and Boundaries.

The locations and boundaries of the districts shall be as shown on a map entitled "Zoning Map of the County of Culpeper, Virginia," which map is hereby declared to be a part of this ordinance. A copy of this map is on file in the office of the Zoning Administrator of Culpeper County. All notations, dimensions and designations shown thereon shall be as much a part of this ordinance as if the same were all fully described herein.

(Ord. of 4-4-2000)

Editor's note—The amendment of 4-4-2000 deleted the word "certified" and the requirement that it be signed by the chairman of the Board of Supervisors from the second sentence of this section.

1-4. Compliance with Ordinance.

Except as hereinafter provided:

1-4-1 Use:

No building or structure shall be erected, reconstructed, structurally altered, enlarged or moved, nor shall any land or building be used or designed to be used for any purpose other than is permitted in the district in which such building or land is located.

1-4-2 Height:

No building or structure shall be erected, reconstructed, structurally altered, enlarged or moved to exceed in height the limit hereinafter designated for the district in which such building is located.

1-4-3 Area:

No building or structure shall be erected, reconstructed, structurally altered, enlarged or

moved, nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with all area and building location regulations hereinafter designated for the district in which such building or open space is located.

1-4-4 Yards or spaces for other buildings:

No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one (1) lot shall be considered as providing yard or open space for a building on any other lot.

1-4-5 Subdividing, resubdividing, etc., parcels of land:

No parcel of land held under separate ownership, with or without buildings at the time this ordinance became effective, shall be subdivided, resubdivided, or reduced in any manner below the minimum lot width and lot area required by this ordinance.

1-4-6 Erection of buildings:

Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one (1) main residential building and its accessory on one (1) lot.

1-4-7 Parking areas, parking spaces or loading:

No parking area, parking space or loading space which existed at the time this ordinance became effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance.

ARTICLE 2. DEFINITIONS

[2-0. Definitions.]

For the purpose of this ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future. Words in the singular number include the plural number, and words in the plural number include the singular number unless the natural construction of the words indicate otherwise.

The word "shall" is mandatory and not directory; the words "used" and "used for" shall be deemed also to include "designed, designed for, intended" or "arranged to be used"; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the term "erected" shall be deemed also to include "constructed", "reconstructed", "altered", "placed", or "moved"; the terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building"; the word "adjacent" means "contiguous".

2-1. *Abattoir*: A commercial slaughter house.

2-2. *Accessory use or structure*: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

2-3. *Acreage*: A parcel of land, regardless of area, described by metes and bounds which is not a lot on any recorded subdivision plat.

2-4. *Adjacent ground elevation*: The mean elevation of the surface of the ground between a point touching the exterior wall of a building and a point three (3) feet in distance from said wall measured perpendicularly therefrom.

2-5. *Administrator, the*: Shall mean the Zoning Administrator of the County of Culpeper, Virginia.

2-6. *Affordable Housing*: Housing utilized as a linkage with specific performance options in a planned unit development (PUD). Affordable housing includes low-and moderate-income housing, as defined by the department of housing and urban development standards, and housing that is affordable to County residents, as

defined by current demographic data. Affordability is determined by the application of standard mortgage criteria to average household income (growth adjusted) to establish the current annual housing value affordable by average County households.

2-7. *Agriculture*: The tilling of the soil, the raising of crops, horticulture, forestry, gardening, and including the keeping and the processing of any products produced on the premises, such as milk, eggs, and the like; but excluding any industry or business such as fruit packing plants, dairies or similar uses where all products processed are not produced on said premise.

2-8. *Alteration*: Any change in the total floor area, use, adaptability, or external appearance of any existing structure.

2-9. *Apartment house*: A building used or intended to be used as the residence of three (3) or more families living independent of each other.

2-10. *Automobile graveyard*: Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed.

2-11. *Basement*: Any story of a building in which the surface of the floor above is less than six (6) feet above the adjacent ground elevation at all points.

2-12. *Best management practices (BMP)*: Structural or nonstructural practices or combination practices that are effective, practical means of reducing the amount of nonpoint source pollution loadings in the watershed.

(Ord. of 3-3-1992)

2-13. *Boarding house*: A building where, for compensation, lodging and meals are provided for at least three (3) and up to fourteen (14) persons.

2-14. *Buffer Area*: A natural vegetative or wooded strip of land utilizing the natural capacity of the vegetation to reduce runoff velocities, enhance infiltration and remove runoff contaminants, thus improving runoff quality and reducing the potential for water quality degradation.

(Ord. of 3-3-1992)

2-15. *Building*: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

2-16. *Building, accessory*: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

2-17. *Building, height of*: The vertical distance measured from the level of the center line of the street or the established curb grade opposite the middle of the front of the structure to the highest point of the roof, if a flat roof; to the deck line of mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the finished ground surface around the entire building.

2-18. *Building, main*: The principal structure or the principal building on a lot, or the building or the principal building housing the principal use on the lot.

2-19. *Billboard or poster panel*: Any sign or advertisement used as an outdoor display for the purpose of making anything known, where the subject matter of the sign is not available on the premises.

2-20. *Camping trailer*: Tent-like structure mounted on wheels which is designed to be towed by a motor vehicle; collapsible side walls fold out into tent-top structure that will sleep four (4) to eight (8) people.
(Ord. of 5-2-1972)

2-21. *Commission, the*: The Planning Commission of the County of Culpeper, Virginia.*

2-22. *Conservation Area*: An area reserved as open space for its unique natural or physical characteristics or its special environmental or ecological value. Appropriate areas include woodlands, unique geologic formations, wetlands, streams, gorges, marshes, hydric soils, steep

slopes [in excess of twenty-five percent (25%), historic sites and scenic areas.
(Ord. of 3-3-1992)

2-23. *Dairy*: A commercial establishment for the manufacture and sale of dairy products.

2-24. *Development*: Any subdivision [lot line adjustments, family partitions and one (1) single lot division in a twenty-four-month period are exempted], commercial or industrial construction, grading or land disturbance in excess of five thousand (5,000) square feet or other disturbance which results in substantial physical change in a parcel of land or water course.
(Ord. of 3-3-1992)

2-25. *District*: Districts as referred to in § 15.2-2280 of the Code of Virginia, 1950, as may be amended from time to time.

2-26. *Domestic wastes*: Septic tank cleanings and other septage, including grease trap cleanings.
(Ord. of 8-5-1980)

2-27. *Drilling, production*: Drilling or boring a hole into the earth for the purpose of extracting any gas, petroleum or other liquid product, excluding water, for sale on a commercial basis.
(Ord. of 10-6-1981)

2-28. *Duplex*: A two-unit townhouse in which each unit is subject to the side yard requirements of the end units of a townhouse cluster and in which each unit rests on an individual lot.
(Ord. of 11-6-1991)

2-29. *Dwelling*: Any structure which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins, apartments and automobile trailers.

2-30. *Dwelling, multiple-family*: A structure arranged or designed to be occupied by three (3) or more families living independently of each other.

2-31. *Dwelling, two-family*: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

*Cross reference—Planning Commission, § 2-14 et seq.

2-32. *Dwelling, single-family*: A structure, not including manufactured or modular homes, arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
(Ord. of 2-4-1997)

2-33. *Dwelling unit*: One (1) or more rooms in a dwelling designed for living or sleeping purposes and having at least one (1) kitchen.

2-34. *Dump heap (trash pile)*: Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a state highway, residence, dairy barn or food-handling establishment, where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

2-35. *Environmental Impact Assessment*: The analysis of pre-and post-development impact of a parcel of land, public or private activity proposed for the land and alternatives to the action.
(Ord. of 3-3-1992)

2-36. *Family*: One (1) person or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) not related by blood or marriage, in any case living together as a single house-keeping unit in a dwelling unit.

2-37. *Family Day Home*: A child day program offered in the residence of the provider or the home of any of the children in care of one (1) through twelve (12) children under the age of 13, exclusive of the provider's own children or any children who reside in the home, when at least one (1) child receives care for compensation. No family day home shall care for more than four (4) children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.
(Ord. of 12-6-1994)

2-38. *Farm tenant*: A worker who resides on and derives principal income from a farm.
(Ords. of 11-3-1976, 12-6-1994)

2-39. *Garage, private*: An accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is an accessory. On a lot occupied by a multiple-unit dwelling, a "private garage" may be designed and used for the storage of one and one-half (1½) times as many automobiles as there are dwelling units.

2-40. *Garage, public*: A building or portion thereof, other than a private garage, designed or used for servicing repairing, equipping, renting, selling or storing motor-driven vehicles.

2-41. *Garden and landscape center*: A use or structure for the storage, maintenance or retail sale of horticultural products and supplies for garden and landscape, including landscape contracting.
(Ords. of 6-6-1972; 3-3-1987)

2-42. *Golf Course*: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

2-43. *Golf driving range*: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

2-44. *Governing body*: The Board of Supervisors of the County of Culpeper, Virginia.

2-45. *Guest room*: A room which is intended, arranged or designed to be occupied, or which is occupied, by one (1) or more guest paying direct or indirect compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.

2-46. *Hardship, emergency*: Any dilemma or hardship caused by forces beyond the control of man or arising out of circumstances created by such a catastrophe or which is so found to be a true hardship of an emergency nature by the Board of Supervisors member from the district in which the hardship is alleged to be and which said dilemma or hardship results in, or will likely result in, loss of habitation, health, fortune or other manifest personal suffering or anguish, which condition is capable of documen-

tation and may only be alleviated by emergency measures.

(Ords. of 11-3-1976; 4-3-1990)

2-47. *Hardship, medical*: Any adult person having a documented medical condition or affliction which results in an incapacitation, either mental or physical, of such a nature that the person so affected is rendered unable to properly care for his own welfare and health.

(Ords. of 11-3-1976; 4-3-1990)

2-48. *Historical area*: As indicated on the Zoning Map to which the provisions of the ordinance apply for protection of a historical heritage.

2-49. *Hog farm*: A farm where hogs are kept and fed.

2-50. Reserved.

(Ord. of 3-3-1987)

2-51. *Home occupation*: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display and where no one is employed, other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale and similar activities; professional offices, such as medical, dental, legal, engineering and architectural, excluding real estate offices, conducted within a dwelling by the occupant, but such use shall not exceed twenty-five percent (25%) of the livable floor area of the building, exclusive of the basement.

2-52. *Hospital*: An institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts. (Certain nursing homes and homes for the aged may be "home occupations" if they comply with the definition herein.)

2-53. *Hospital, special care*: An institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

2-54. *Hotel*: A building designed or occupied as the more or less temporary abiding place for

fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provisions are not generally made for cooking in individual rooms or suites.

2-55. *Immediate family*: Any person who is a natural or legally defined offspring, spouse, parent or guardian.

(Ord. of 11-3-1976)

2-56. *Junkyard*: The use of any area of land lying within one hundred (100) feet of a state highway or the use of more than one thousand (1,000) square feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard" as defined in Chapter 304, Acts of 1938, Code of Virginia (now Code of Virginia, § 33.1-348)

2-57. *Kennel, boarding*: Any lot or premises on which more than five (5) domestic animals, five (5) months of age or older, are kept, housed, groomed, bred, boarded, trained or sold for compensation. Specifically excluded are farm animals integral to agriculture, as defined.

(Ord. of 5-24-1989)

2-58. *Livestock market*: A commercial establishment wherein livestock is collected for sale and auctioned off.

2-59. *Lot*: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat or record or considered as a unit of property and described by metes and bounds.

2-60. *Lot, corner*: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

2-61. *Lot coverage*: The extent of structural and building coverage that shall not be exceeded, excluding parking, walkways, landscape or other porous surfaces.

(Ord. of 12-3-1991)

2-62. *Lot, depth of*: The average horizontal distance between the front and rear lot lines.

2-63. *Lot, double-frontage*: An interior lot having frontage on two (2) streets.

2-64. *Lot, front of*: That side of the lot which fronts on a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the "front of the lot."

2-65. *Lot, interior*: Any lot, other than a corner lot.

2-66. *Lot width*: The width of any lot at the setback line. Calculated by measuring back a uniform distance from the street line as required by the setback regulation. If the street line curves or angles, then the setback line shall also curve or angle uniformly with the street line, and the "lot width" shall be calculated along said curve or angle setback line.

2-67. *Lot of record*: A lot which has been recorded in the Clerk's office of the Circuit Court.

2-68. *Manufacture and/or manufacturing*: The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for a different purpose.

2-69. *Mobile or Manufactured home*: A single-family dwelling designed to be transported on its own wheels or on flatbed or other trailer and arriving at the site in one (1) or more units that, when attached or erected on a permanent foundation, form a self-contained living unit ready for occupancy, except for minor and incidental unpacking and assembly operations, location on supports, connection to utilities and the like. "Mobile or Manufactured homes" are designed for removal and are situated to enable relocation and installation to other sites. Mobile or Manufactured homes are built to comply with federal (HUD) construction standards. The terms "mobile home" and "manufactured home" shall be interchangeable for the purposes of this ordinance.

(Ord. of 8-4-1992, 2-4-1997)

2-70. *Mobile home park*: Any development designed to accommodate two (2) or more units intended exclusively for residential use. Such parks are governed by Article 5D of this ordi-

nance. Mixing of unit types within a park shall be permitted only as identified on an approved site plan.

(Ord. of 8-4-1992)

2-71. *Modular home*: A single-family dwelling that is factory fabricated and transported to the site on a chassis and designed to be used individually or in combination with similar units to permanently form a complete living unit on a permanent foundation. Modular homes are built to comply with state building code requirements.

(Ord. of 8-4-1992, 2-4-1997)

2-72. *Motor home*: A fully self-contained unit which is built on a truck or bus chassis and designed as temporary living accommodations for recreation, camping and travel use.

(Ord. of 5-2-1972)

2-73. *Nonconforming lot*: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

2-74. *Nonconforming activity*: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

2-75. *Nonconforming structure*: An otherwise legal building or structure that does not conform to the lot area, yard, height, lot coverage or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

2-76. *Off-street parking area*: Space provided for vehicular parking outside the dedicated street right-of-way.

2-77. *Pen*: A small enclosure used for the concentrated confinement and housing of animals

or poultry; a place for feeding and fattening animals; a coop. An enclosed pasture or range, with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each larger animal, shall not be regarded as a "pen."

2-78. *Plant nursery*: Structures for the raising or cultivation of agricultural and horticultural products, but specifically excluding retail sales on premises.

(Ord. of 3-3-1987)

2-79. *Primary streams*: Those creeks, streams and intermittent waterways that flow directly into Mountain Run Lake and Lake Pelham (identified as such in the Watershed Management Plan).

(Ord. of 3-3-1992)

2-80. *Recreational vehicle*: A vehicular-type structure designed as temporary living accommodations for recreation, camping and travel use, there are four (4) basic types of "recreational vehicles"; travel trailers, motor homes, truck campers and camping trailers.

(Ord. of 5-2-1972)

2-81. *Recreation Area*: The area of land reserved for active or passive enjoyment of activities that provide an alternative to residential, employment and service activities and complement the lifestyle of the community by providing the opportunity for the enhancement of health and welfare of the public for individuals and groups. Such areas may include landscape for quiet repose, open areas for games, facilities for exercise and/or trails for travel and linkage of recreation areas with other areas and the community.

2-82. *"Commercial recreation"*: The development of intense recreation facilities for mass market spectator and/or regional participation of fee-based activities. Activities include but are not limited to indoor or outdoor entertainment complex, theme or amusement park, water slide, racing facility (motor or equestrian), sports stadium or complex or other similar facility.

2-83. *Required open space*: Any space required in any front, side or rear yard or court.

2-84. *Restaurant*: Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops or refreshment stands.

2-85. *Retail stores and shops*: Buildings for the display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumberyards), such as the following, which will serve as illustration; drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop.

2-86. *Riding and boarding stables, equestrian center*: Any land or structure used for the Boarding, riding, teaching or training of horses for compensation or including the uses and facilities for the showing, jumping, racing, demonstration or other equestrian events.

2-87. *Sawmill*: A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

2-88. *Setback*: The minimum distance by which any building or structure must be separated from the front lot line.

2-89. *Sign*: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by a means whereby the same are made visible for the purpose of making anything known, whether such display is made on, attached to or as a part of a structure, surface or any other thing, including but not limited to the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made.

2-90. *Sign area*: The total area in the smallest rectangle or rectangles, if the sign is rectangular; or the smallest convex polygon that will contain the entire sign, excluding architectural embellishments and supports, on neither of which there is displayed any advertising material or any lighting. For projecting or double-

faced signs, one (1) display face shall be measured in computing total "sign area," where the sign faces are parallel or where the interior angle formed by the faces is ninety (90) degrees or less. The actual area of any exposed tubing or lighting used to outline any part of a lot, other than a sign, shall be included in the computations of "sign area", provided that the area of any band of lighting (including a string of individual lights) less than one (1) foot in width shall be computed at the rate of one (1) square foot for each one (1) foot of the length thereof.

2-91. *Sign lighting:*

2-91-1 *Direct:* A sign illuminated internally or on the surface of the sign itself.

2-91-2 *Indirect:* A sign that is illuminated from a source separate from the sign.

2-92. *Sign structure:* Includes the supports, uprights, bracing and framework of any structure, be it single-faced, double-faced, V-type or otherwise exhibiting a sign.

2-93. *Sign, temporary:* A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or the sale of land. "Temporary signs" shall conform in size and type to directional signs.

2-94. *Sludge:* The residue of a wastewater treatment facility containing solids removed by the treatment process.

2-95. *Sludge, Class A:* Sludge which meets all requirements of the Virginia Department of Health and is approved by that department as "Class A sludge."

2-96. *Store:* See section 2-85, Retail stores and shops.

2-97. *Story:* That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

2-98. *Street or road:* A public or private thoroughfare, however designated, which affords a principal means of access to abutting property.

2-99. *Story, half:* A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

2-100. *Street line:* The dividing line between a street or road right-of-way and the contiguous property.

2-101. *Structure:* Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

2-102. *Tourist court, auto court, motel, hotel, cabin or motor lodge:* One (1) or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

2-103. *Tourist home:* A dwelling where only lodging is provided, for compensation, for up to fourteen (14) persons (in contradistinction to hotels and boardinghouses) and open to transients.

2-104. *Townhouse:* An attached single family dwelling unit which may rest on one (1) or both side lot lines.

2-105. *Travel trailer:* A vehicular structure mounted on wheels, which is designed as temporary living accommodations for recreation, camping and travel use, and which can be easily towed by automobile or small truck and does not require special highway movement permits.

2-106. *Tributaries:* Those creeks, streams and intermittent waterways that flow into primary streams or other water bodies prior to flowing into Mountain Run Lake and Lake Pelham (as such identified in the Watershed Management Plan).

2-107. *Truck camper:* A portable structure designed to be loaded onto or affixed to the bed or

chassis of a truck and designed to be used as temporary living accommodations for recreation, camping and travel use.

2-108. *Use, accessory*: A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

2-109. *Utility facilities, primary*: Such facilities as cogeneration power plants or other power generating plants which tie in directly with major transmission lines (carrying two hundred thirty (230) KV or greater) as opposed to distribution lines; also any offices, shops or other facilities which are occupied by persons on a daily basis. Any facility which is specifically identified or closely associated with uses identified in a commercial or industrial district, at the discretion of the zoning administrator.

2-110. *Variance*: A relaxation of the terms of the Zoning Ordinance where such "variance" will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicants, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a "variance" is authorized only for height, area and size of structure or size of yards and open spaces. The establishment or expansion of a use otherwise prohibited shall not be allowed by "variance," nor shall a "variance" be granted because of the presence of nonconformities in the zoning division or district or adjoining divisions or districts.

2-111. *Wayside stand, roadside stand or wayside market*: Any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm.

2-112. *Yard*: An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

2-112-1 *Front*: An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

2-112-2 *Rear*: An open, unoccupied space on the same lot as a building between the rear line of the building, excluding steps, and the rear line of the lot and extending the full width of the lot.

2-112-3 *Side*: An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

2-113. *Zero Lot Line*: A detached single-family dwelling unit which rests on one (1) side lot line. (Ord. of 11-6-1991)

ARTICLE 3. AGRICULTURAL DISTRICT

A-1

3-1. Statement of intent.

This district pertains to the unincorporated portions of the County which are occupied by various rural low-density uses, such as forests, streams, farms, lakes and mountains. The district is established for the specific purpose of facilitating the conservation and protection of existing agricultural operations; watersheds, drainage channels and lowland areas; forestal lands; soil erosion and geologic areas; ground and surface water features; natural and open space; and critical areas of natural resources and environmental quality. Uses not consistent with the existing character of this district or the intent specified herein are prohibited.

(Ord. of 5-24-1989)

3-2. Permitted uses.

The following regulations shall apply in all A-1 Districts:

3-2-1 Principal uses and structures:

3-2-1.1 Agriculture, as defined.

3-2-1.2 Single-family detached dwellings, modular homes and mobile or manufactured homes on lots of record, on lots with valid preliminary approval as of August 5, 1997, which remain valid and are duly recorded or in minor subdivisions as defined in section 601 of the Subdivision Ordinance.

(Ords. of 9-1-1992; 2-4-1997; 9-2-1997)

3-2-1.3 Churches, parish houses and Sunday schools.

3-2-1.4 Parks and playgrounds.

3-2-1.5 Plant nurseries.

3-2-1.6 Public schools.

3-2-1.7 Family day homes.

(Ord. of 12-6-1994)

3-2-2 Conditional uses:

The following uses may also be permitted, subject to securing a use permit as provided for in Article 17:

3-2-2.1 Agricultural enterprises consistent with and subject to Article 31.

3-2-2.2 Airports and aircraft landing strips.

3-2-2.2a Bed and breakfasts or country inns limited to accommodations for no more than twelve (12) overnight guests and thirty (30) seats for dining.

(Ord. of 8-1-1995)

3-2-2.3 Campgrounds as regulated in section 9-1-6.

3-2-2.4 Cemeteries.

3-2-2.4a Community facilities such as police stations, waste transfer sites, and post offices.

(Ord. of 6-1-1999)

3-2-2.5 Day-care centers and nursery schools.

3-2-2.6 Disposal of stabilized domestic wastes, not including municipal sludge, on agricultural lands and such activities which are generally associated with this process.

3-2-2.7 Fire stations and rescue squads consistent with the comprehensive plan for fire and rescue services in the County.

3-2-2.8 Golf courses.

3-2-2.9 Kennels, catteries and boarding facilities.

3-2-2.10 Mining, excavation, quarries and production drilling and all associated activities of extractive and mining operations.

3-2-2.11 Mobile homes as provided for in Article 28.

3-2-2.12 Private clubs, fraternal organizations and civic associations catering exclusively to members and their guests.

3-2-2.13 Private and parochial schools and educational institutions as accredited by the Commonwealth of Virginia.

3-2-2.14 Public utilities and service facilities such as poles, lines and pipes, rights-of-way, transformers, towers, exchanges and booster stations, public water and wastewater systems and any structures and access accessory thereto.

3-2-2.15 Radio and television transmission facilities and telecommunication equipment.

3-2-2.16 Recreation facilities which utilize natural resources as a principal attraction.

3-2-2.17 Riding stables or equestrian centers.

3-2-2.18 Wildlife reservations and conservation projects, including related structures.

3-2-2.19 Infrequent land application of biosolids as governed by Article 17-5 of this Ordinance.
(Ords. of 12-12-1989; 2-3-1998)

3-2-2.20 Reserved.
(Ords. of 9-2-1997, 10-6-1998)

Editor's note—Amendment of 2-3-1998 modified the language in section 3-2-2.19 pertaining to biosolids. Amendment of 10-6-1998 repealed section 3-2-2.20 pertaining to major subdivisions in the A-1 zoning district.

3-2-3 Accessory Uses and Structures

3-2-3.1 Accessory uses and structures customarily incidental to a permitted use, subject to Article 9.

3-2-3.2 Wayside stands, as defined, and limited to a display and sale area of no more than two hundred fifty (250) square feet of land set back a minimum of twenty-five (25) feet from the public right-of-way.

3-2-3.3 One (1) tenant unit limited to an accessory structure at least thirty (30) feet from the principal structure. More than one unit may be approved only for occupancy by farm tenants. Approval is subject to Health Department and VDOT approval of any additional dwelling units. Such units are subject to requirements provided for in Article 9.

3-2-3.4 Satellite Dishes

3-2-3.5 Package treatment systems subject to the regulations of Chapter 14, Sanitary Regulations, of the Culpeper County Code.
(Ords. of 9-1-1992; 12-3-2002(5); 2-3-2004(2))

3-2-4 Off-street parking:

Off-street parking as required in Article 10.

3-2-5 Nameplates and signs:

Nameplates and signs as permitted and regulated in Article 11.
(Ords. of 9-7-1971; 5-2-1972; 11-3-1976; 5-2-1978; 8-5-1980; 12-2-1980; 10-6-1981; 11-7-1984; 3-3-1987, 5-24-1989)

3-3. Height regulations.

3-3-1 Building height:

Buildings may be erected up to forty-five (45) feet in height from the adjacent ground elevation. For structures permitted above the height limit, see Article 9.
(Ord. of 5-24-1989)

3-4. Area regulations.

3-4-1 Minimum lot area:

The minimum lot area for permitted uses shall be five (5) acres.
(Ord. of 5-24-1989)

3-5. Setback regulations.

3-5-1 Setback line:

The setback line shall be located one hundred twenty-five (125) feet from the center line of any street right-of-way which is fifty (50) feet or less in width and one hundred (100) feet from any street right-of-way greater than fifty (50) feet in width. In no case shall any structure be located closer to the street right-of-way than the setback line. In the case of corner lots, no structure shall be located closer than fifty (50) feet to the right-of-way line of the side street.
(Ord. of 5-24-1989)

3-6. Width and yard regulations.

3-6-1 Minimum lot width:

The minimum lot width at the setback line shall be 250 feet or more.

3-6-2 Side yard:

Each principal structure shall have a side yard of fifty (50) feet or more.

3-6-3 Rear yard:

Each principal structure shall have a rear yard of seventy-five (75) feet or more.

3-6-4 Yard requirements, accessory uses or structures:

Each accessory use or structure shall have a side and rear yard of twenty-five (25) feet or more.

(Ord. of 5-24-1989)

ARTICLE 4. RURAL AREA DISTRICT RA*

4-1. Statement of intent.

This district pertains to the unincorporated portions of the County which are primarily rural in character. It is the area of transition between the agricultural, open space and conservation parts of the County and orderly residential development. While containing low-density residential and active farms, the district is established to provide for rural services, buffer agricultural and conservation uses and accommodate the mix of rural uses between farm and suburban lands. Uses not consistent with the existing character of this district are prohibited.

(Ords. of 5-24-1989, 11-3-1999)

Editor's note—Amendment of 11-3-1999 modified the definition of the character of the RA district.

4-2. Permitted uses.

The following regulations shall apply in all RA Districts:

4-2-1 *Principal uses and structures:*

4-2-1.1 Agriculture as defined.

4-2-1.2 Single-family detached dwellings and modular homes on lots of record, on lots with valid preliminary approval as of December 31, 1999, which remain valid and are duly recorded or in minor subdivisions as defined in section 601 of the Subdivision Ordinance.

(Ords. of 10-6-1998, 11-3-1999)

Editor's note—Amendment of 10-6-1998 modified the language in this section so as to make it identical to language in the corresponding section in the A-1 zoning district. Amendment of 11-3-1999 changed the date in this section to December 31, 1999.

4-2-1.3 Churches, parish houses, and Sunday Schools.

4-2-1.4 Parks and playgrounds.

4-2-1.5 Plant nurseries.

4-2-1.6 Public schools.

***Editor's note**—This Article was amended on 6-12-1996 to change the name from Agricultural District A-2 to Rural Area District RA, so as to use terminology more consistent with the comprehensive plan. Amendments have been made throughout the Zoning Ordinance to reflect this name change.

4-2-1.7 Family day homes.

(Ords. of 9-1-1992; 2-4-1997)

4-2-2 *Conditional uses:*

In addition to those uses and structures permitted in sections 3-2-2.1 through 3-2-2.19 of Article 3. Agricultural District A-1, the following uses may also be permitted subject to securing a use permit as provided for in Article 17:

4-2-2.1 Antique shops.

4-2-2.2 Community buildings, including libraries, museums and art galleries.

4-2-2.3 Bed and breakfasts or country inns limited to accommodations for no more than twelve (12) overnight guests and thirty (30) seats for dining.

4-2-2.4 Institutional homes and health care facilities subject to certification by the Commonwealth of Virginia and excluding those of a correctional nature, or uses where involuntary detention is intended.

4-2-2.5 Private recreation facilities, including country clubs, tennis and racquet clubs, swimming facilities, basketball and ice skating facilities and equestrian facilities.

4-2-2.6 Veterinary hospitals or clinics, provided that such facilities, including kennels, shall be a minimum of one hundred (100) feet from the property line of any nonagricultural district.

(Ords. of 7-1-1997, 10-6-1998, 11-3-1999)

Editor's note—Amendment of 10-6-1998 added section 4-2-2.7, making major subdivisions a conditional use in the RA zoning district. Amendment of 11-3-1999 removed section 4-2-2.7 as a conditional use in the RA district.

4-2-3 *Accessory uses and structures:*

4-2-3.1 Accessory uses and structures as permitted in the A-1 District.

4-2-3.2 Tennis courts, swimming pools and other private recreation facilities, provided that such facilities are excluded from the front yard.

4-2-3.3 Satellite dishes.

4-2-4 *Off-street parking:*

Off-street parking as required in Article 10.

4-2-5 Nameplates and signs:

Nameplates and signs as permitted and regulated in Article 11.
(Ord. of 5-24-1989)

4-3. Height regulations.

4-3-1 Building height:

Buildings may be erected up to forty-five (45) feet in height from the adjacent ground elevation. For structures permitted above the height limit, see Article 17.
(Ord. of 5-24-1989)

4-4. Area regulations.

4-4-1 Minimum lot area:

The minimum lot area for permitted uses shall be three (3) acres.
(Ords. of 1-3-1972; 5-24-1989, 11-3-1999)

4-5. Lot coverage.

4-5-1 Maximum coverage area:

All buildings, including accessory structures and impervious surfaces, shall not cover more than twenty-five percent (25%) of the total area of the lot.
(Ord. of 5-24-1989)

4-6. Setback regulations.

4-6-1 Setback line:

The setback line shall be located at least one hundred (100) feet from the center line of any street right-of-way which is fifty (50) feet or less in width and seventy-five (75) feet from the property line of a street right-of-way which is greater than fifty (50) feet in width. In no case shall any structure be located closer to the street than the setback line. In the case of a corner lot, no structure shall be closer than forty (40) feet from the right-of-way line of the side street.
(Ord. of 5-24-1989)

4-7. Width and yard regulations.

4-7-1 Minimum lot width:

The minimum lot width at the setback line shall be two hundred (200) feet or more.

4-7-2 Side yard:

Each principal structure shall have a side yard of thirty (30) feet or more.

4-7-3 Rear yard:

Each principal structure shall have a rear yard of fifty (50) feet or more.

4-7-4 Yard requirements, accessory uses or structures:

Each accessory use or structure shall have a side and rear yard of twenty (20) feet or more.
(Ord. of 5-24-1989)

ARTICLE 4A. RURAL RESIDENTIAL DISTRICT RR*

4A-1. Statement of intent; applicability.

This district is composed of rural low-density residential areas, plus certain open areas where agricultural uses may occur. The regulations for this district are designed to promote and encourage a suitable environment for family life where there are children and to prohibit most activities of a commercial nature. To these ends, development is limited to low concentration, and permitted uses are limited basically to single-unit dwellings providing homes for the residents, plus certain additional uses such as schools, parks, churches and certain public facilities that serve the residents of the district.

4A-2. Use regulations.

The following regulations shall apply in all RR Districts.†

4A-2-1 Principal uses and structures:

Only one (1) main building and its accessory buildings may be erected on any lot or parcel of land in Rural Residential District RR. Structures to be erected or land to be used shall be for the following uses.

4A-2-1.1 Single-family dwellings and modular homes.

4A-2-1.2 Churches, parish houses and Sunday schools.

4A-2-1.3 Parks and playgrounds.

4A-2-1.4 Family day homes.

4A-2-1.5 Public schools.

4A-2-2 Conditional uses:

The following uses may also be permitted subject to securing a use permit as provided for in Article 17:

4A-2-2.1 Agriculture, as defined.

***Editor's note**—The Rural Residential District RR was adopted on 11-3-1999 to reflect changes made to the comprehensive plan and to more accurately reflect the language of that comprehensive plan. Amendments have been made throughout the zoning ordinance to reflect this change.

†**Note**—For supplemental regulations, see Article 9.

4A-2-2.2 Schools, including all elementary, high and private; kindergartens and day nurseries.

4A-2-2.3 Libraries, museums and art galleries.

4A-2-2.4 Private nonprofit clubs.

4A-2-2.5 Cemeteries.

4A-2-2.6 Golf courses, except driving tees and miniature courses.

4A-2-2.7 Community buildings, including hospitals and mental clinics.

4A-2-2.8 Institutional homes and health care facilities subject to certification by the Commonwealth of Virginia and excluding those of a correctional nature or uses where involuntary detention is intended.

4A-2-2.9 Public utilities and services such as (but except railroads) poles, lines and pipes, rights-of-way and transformers, towers, radio towers and including telephone exchanges, (but excluding service and storage yards), provided that the exterior appearance of any building permitted in this paragraph shall be in keeping with the character of the neighborhood in which it is located.

4A-2-2.10 Fire stations and rescue squads consistent with the comprehensive plan for fire and rescue services in the County.

4A-2-2.11 Mobile homes as provided for in Article 28 of this Ordinance.

4A-2-2.12 Home Occupations

4A-2-3 Accessory uses and structures:

4A-2-3.1 In addition to those uses and structures permitted in the RA District, accessory buildings, including private garages, provided that a detached accessory building shall be located as required in Article 9; provided, however, that all accessory buildings attached to the main building shall be considered part of the main building.

4A-2-4 Off-street parking:

Off-street parking as required in Article 10.

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4A-2-5 Nameplates and signs:

Nameplates and signs as permitted in Article 11.

4A-3. Height regulations.

4A-3-1 Building height:

Buildings may be erected up to 35 feet in height from the adjacent ground elevation. For structures permitted above the height limit, see Article 9.

4A-4. Area regulations.

4A-4-1 Minimum lot area:

The minimum lot area for permitted uses shall be three (3) acres, except as provided for in section 9-5.

4A-5. Lot coverage.

4A-5-1 Maximum coverage area:

All buildings, including accessory buildings, shall not cover more than twenty-five percent (25%) of the area of the lot. For the purpose of computing lot coverage, unless otherwise shown, a minimum of 180 square feet of accessory buildings or automobile parking space shall be assumed as being required for each family occupying such lot.

4A-6. Setback regulations.

4A-6-1 Setback line:

The setback line shall be located at least one hundred (100) feet from the center line of any street right-of-way which is fifty (50) feet or less in width and seventy-five (75) feet from the property line of a street right-of-way which is greater than fifty (50) feet in width. In no case shall any structure be located closer to the street than the setback line. In the case of a corner lot, no structure shall be closer than forty (40) feet from the right-of-way line of the side street.

4A-7. Width and yard regulations.

4A-7-1 Minimum lot width:

The minimum lot width at the setback line shall be two hundred (200) feet or more.

4A-7-2 Side yard:

Each principal structure shall have a side yard of thirty (30) feet or more.

4A-7-3 Rear yard:

Each principal structure shall have a rear yard of fifty (50) feet or more.

4A-7-4 Yard requirements, accessory uses or structures:

Each accessory use or structure shall have a side and rear yard of twenty (20) feet or more.

ARTICLE 5. RESIDENTIAL DISTRICT R-1

5-1. Statement of intent; applicability.

This district is composed of certain quiet, low-density residential areas, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to promote and encourage a suitable environment for family life where there are children and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration, and permitted uses are limited basically to single-unit dwellings providing homes for the residents, plus certain additional uses such as schools, parks, churches and certain public facilities that serve the residents of the district.

(Ords. of 5-24-1989; 6-3-1997)

5-2. Use regulations.

The following regulations shall apply in all R-1 Districts.*

5-2-1 Principal uses and structures:

Only one (1) main building and its accessory buildings may be erected on any lot or parcel of land in Residential District R-1. Structures to be erected or land to be used shall be for the following uses.

5-2-1.1 Single-family dwellings and modular homes.

5-2-1.2 Churches, parish houses and Sunday schools.

5-2-1.3 Parks and playgrounds.

5-2-1.4 Family day homes.
(Ord. of 12-6-1994; 2-4-1997)

5-2-2 Conditional uses:

The following uses may also be permitted subject to securing a use permit as provided for in Article 17:

5-2-2.1 Agriculture, as defined.

5-2-2.2 Schools, including all elementary, high and private; kindergartens and day nurseries.

5-2-2.3 Libraries, museums and art galleries.

5-2-2.4 Private nonprofit clubs.

5-2-2.5 Cemeteries.

5-2-2.6 Golf courses, except driving tees and miniature courses.

5-2-2.7 Community buildings, including hospitals and mental clinics.

5-2-2.7(a) Institutional homes and health care facilities subject to certification by the Commonwealth of Virginia and excluding those of a correctional nature or uses where involuntary detention is intended.
(Ord. of 9-1-1992)

5-2-2.8 Public utilities and services such as (but except railroads) poles, lines and pipes, rights-of-way and transformers, towers, radio towers and including telephone exchanges, (but excluding service and storage yards), provided that the exterior appearance of any building permitted in this paragraph shall be in keeping with the character of the neighborhood in which it is located.

5-2-2.9 Fire stations and rescue squads consistent with the comprehensive plan for fire and rescue services in the County.

5-2-2.10 Mobile homes as provided for in Article 28 of this Ordinance.
(Ord. of 2-4-1997)

5-2-2.11 Home Occupations
(Ord. of 6-3-1997)

5-2-3 Accessory uses and structures:

5-2-3.1 In addition to those uses and structures permitted in the RA District, accessory buildings, including private garages, provided that a detached accessory building shall be located as required in Article 9; provided, however, that all accessory buildings attached to the main building shall be considered part of the main building.
(Ord. of 6-12-1996)

5-2-4 Off-street parking:

Off-street parking as required in Article 10.

*Note—For supplemental regulations, see Article 9.

5-2-5 Nameplates and signs:

Nameplates and signs as permitted in Article 11.
(Ord. of 5-24-1989)

5-3. Height regulations.

5-3-1 Building height:

Buildings may be erected up to thirty-five (35) feet in height from the adjacent ground elevation. For structures permitted above the height limit, see Article 9.
(Ord. of 5-24-1989)

5-4. Area regulations.

5-4-1 Minimum lot area:

The minimum lot area for permitted uses shall be forty thousand (40,000) square feet, except as provided for in section 9-4.
(Ords. of 10-3-1972; 5-24-1989)

5-5. Lot coverage.

5-5-1 Maximum coverage area:

All buildings, including accessory buildings, shall not cover more than twenty-five percent (25%) of the area of the lot. For the purpose of computing lot coverage, unless otherwise shown, a minimum of 180 square feet of accessory buildings or automobile parking space shall be assumed as being required for each family occupying such lot.
(Ord. of 5-24-1989)

5-6. Setback regulations.

5-6-1 Setback line:

The setback line shall be located fifty (50) feet from any street right-of-way which is fifty (50) feet or greater in width or seventy-five (75) feet from the center line of any street right-of-way less than fifty (50) feet in width. In no case shall any structure be located closer than forty (40) feet to the right-of-way line of the side street.
(Ord. of 5-24-1989)

5-7. Width regulations.

5-7-1 Minimum lot width:

The minimum lot width at the setback line shall be one hundred twenty (120) feet or more.
(Ord. of 5-24-1989)

5-8. Yard regulations.

5-8-1 Side yard:

Each main structure shall have side yards of twenty (20) feet or more.

5-8-2 Rear yard:

Each main structure shall have a rear yard of 35 feet or more.

5-8-3 Yard requirements, accessory uses or structures:

Each accessory use or structure shall have a side and rear yard of ten (10) feet or more.
(Ord. of 5-24-1989)

ARTICLE 5A. RESIDENTIAL DISTRICT R-2

5A-1. Statement of intent.

This district provides moderate development opportunity in a semirural, residential atmosphere. The district is established to encourage diversity of residential development and create a density conducive to alternative types of housing in the rural setting. Single-family detached dwellings are the principal permitted structures utilizing individual septic service or the community wastewater management system based on physical characteristics of the land and the capabilities of the surrounding area.
(Ord. of 5-24-1989)

5A-2. Use regulations.

The following regulations shall apply in all R-2 Districts:

5A-2-1 Principal uses and structures:

5A-2-1.1 All uses permitted in the R-1 District.

5A-2-1.2 Zero lot line and duplex housing, subject to the provisions of section 9-5.

5A-2-2 Conditional uses:

5A-2-2.1 All conditional uses as permitted in the R-1 District.

5A-2-3 Accessory uses and structures:

5A-2-3.1 All uses as permitted in the R-1 District.
(Ords. of 12-12-1969; 5-24-1989; 11-6-1991)

5A-3. Height regulations.

5A-3-1 Building height:

Same as provided for in the R-1 District.
(Ords. of 12-2-1969; 5-24-1989)

5A-4. Area regulations.

5A-4-1 Minimum lot area:

The minimum lot area for permitted uses shall be twenty-five thousand (25,000) square feet, except as provided for in section 9-4. Permitted uses utilizing individual wells or septic sys-

tems, or both, may require additional lot area as determined by the health department. The application of package treatment systems for individual subdivision lots is prohibited. This shall not prevent the use of either individual septic systems or centralized systems for subdivision application. All other applications of wastewater management systems are subject to approval by the health department and/or state water control board.
(Ords. of 12-2-1969; 5-24-1989)

5A-5. Lot coverage.

5A-5-1 Maximum coverage area:

Same as provided for in the R-1 District.
(Ord. of 5-24-1989)

5A-6. Setback regulations.

5A-6-1 Setback line:

Same as provided for in the R-1 District.
(Ords. of 12-2-1969; 5-24-1989)

5A-7. Width regulations.

5A-7-1 Minimum lot width:

The minimum lot width at the setback line shall be one hundred (100) feet or more.
(Ords. of 12-2-1969; 5-24-1989)

5A-8. Yard regulations.

5A-8-1 Side yard:

Each principal structure shall have a side yard of fifteen (15) feet or more. Accessory uses and structures shall have a five-foot side yard.

5A-8-2 Rear yard:

Each principal structure shall have a rear yard of thirty (30) feet or more. Accessory uses shall be located at least five (5) feet from the rear property line.
(Ords. of 12-2-1969; 5-24-1989)

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ARTICLE 5B. RESIDENTIAL DISTRICT R-3*

5B-1. Statement of intent.

This district provides for a diversity of single-family and low-density multifamily dwelling units at three (3) to eight (8) units per acre (maximum). It establishes a range of lifestyles from detached to attached units to accommodate the changing patterns of growth in the County. In order to provide for such densities, adequate buffering, access, recreation and open space must be supplied either on each parcel or in common, reserved areas of public access. An atmosphere of community and neighborhood must be maintained that blends in with the existing character of the surrounding area.
(Ord. of 5-24-1989)

5B-2. Use regulations.

The following regulations shall apply in all R-3 Districts:

5B-2-1 Principal uses and structures:

5B-2-1.1 All uses permitted in the R-2 District.

5B-2-1.2 Townhouses.

5B-2-1.3 Multifamily dwellings or condominiums.

5B-2-1.4 Zero lot line and duplex housing.

5B-2-2 Conditional uses:

In addition to uses in the R-2 District, the following uses and structures may also be permitted subject to securing a use permit as provided for in Article 17:

5B-2-2.1 Nursing and convalescent homes.

5B-2-2.2 Common recreation uses and structures, provided that such uses are owned, maintained and dedicated to such use for the express use of the residents or the general public and that structures shall be located at least seventy-five (75)

feet from any adjoining residential lot line and fifty (50) feet from any other structure on the property.

5B-2-2.3 Hospitals and institutional homes, excluding those of a correctional nature.

5B-2-3 Accessory uses and structures:

5B-2-3.1 Uses as permitted in the R-2 District.

(Ords. of 5-24-1989; 11-6-1991)

5B-3. Height regulations.

5B-3-1 Building height:

Buildings in the R-3 District may be erected up to three (3) stories with a maximum height of thirty-five (35) feet above the adjacent ground elevation.

(Ord. of 5-24-1989)

5B-4. Area regulations.

5B-4-1 Minimum lot area:

The minimum lot area shall be fifteen thousand (15,000) square feet, provided that:

5B-4-1.1 Single-family dwellings shall require larger lots for adequate water and sewer service in accordance with health department standards.

5B-4-1.2 Townhouse groups of no more than five (5) units and requiring an area of eight thousand seven hundred (8,700) square feet or more per dwelling unit, subject to approved centralized water and wastewater facilities.

5B-4-1.3 Multifamily dwellings may be constructed at a density of eight (8) units per acre with acceptable private or public central water and wastewater systems.
(Ord. of 5-24-1989)

5B-5. Lot coverage.

5B-5-1 Maximum coverage area:

All buildings, including accessory buildings, shall not cover more than thirty percent (30%) of the area of the lot.
(Ord. of 5-24-1989)

***Editor's note**—Former Art. 5B, Residential Mobile Home Parks District RMH, was renumbered as Art. 5D pursuant to the Ord. of 5-24-89.

5B-6. Setback regulations.

5B-6-1 Setback line:

The setback line shall be located at least fifty (50) feet or more from all street right-of-way lines. In the case of a corner lot, no structure shall be closer than forty (40) feet to the right-of-way line of the side street.
(Ord. of 5-24-1989)

5B-7. Width and yard regulations.

5B-7-1 Minimum lot width:

The minimum lot width at the setback line shall be eighty (80) feet.

5B-7-2 Side yard:

Each principal structure shall have a minimum side yard of ten (10) feet for single-family dwellings, fifteen (15) feet for townhouses and twenty-five (25) for multifamily dwellings.

5B-7-3 Rear yard:

Each principal structure shall have a minimum rear yard of twenty-five (25) feet or equal to the height of the structure, whichever is greater, measured from the adjacent rear ground to the peak or top of the roof line.

5B-7-4 Yard requirements, accessory uses or structures:

Each accessory use or structure shall be located no closer than five (5) feet to the side or rear lot lines.
(Ord. of 5-24-1989)

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ARTICLE 5C. RESIDENTIAL DISTRICT R-4

5C-1. Statement of intent.

This district provides for high-density, multi-family uses to ensure a diversity of housing units and adequate rental units for County residents. Located along high-access highways, these uses provide a transition to higher-density uses from the rural area and offer a significant alternate for elderly, young families and single professionals. This district also establishes the requisites of land, open space and recreation to create a community character for these uses. Maximum development density of the district is twelve (12) dwelling units per acre, and public sewer and water service is required.
(Ord. of 5-24-1989)

5C-2. Use regulations.

The following regulations shall apply in all R-4 Districts:

5C-2-1 Principal uses and structures:

5C-2-1.1 Multifamily dwellings or condominiums served by an approved public water and sewer system of adequate capacity to accommodate the intended use, operated by a municipality or a public service corporation duly authorized by the Commonwealth of Virginia.

5C-2-1.2 Common open space and recreation as required: One thousand two hundred (1,200) square feet per dwelling unit.

5C-2-1.3 All uses permitted in the R-1, R-2 and R-3 Districts, provided that all dwellings are served by an approved public water and sewer system of adequate capacity to accommodate the intended use, operated by a municipality or public service corporation duly authorized by the Commonwealth of Virginia.

5C-2-2 Accessory uses and structures:

5C-2-2.1 Accessory uses and structures customarily incidental to permitted uses in the district.

5C-2-3 Off-street parking:

Off-street parking as required in Article 10.

5C-2-4 Nameplates and signs:

Nameplates and signs as permitted and regulated in Article 11.
(Ord. of 5-24-1989)

5C-3. Height regulations.

5C-3-1 Building height:

Same as provided for in the R-3 District.
(Ord. of 5-24-1989)

5C-4. Area regulations.

5C-4-1 Minimum lot area:

The minimum lot area for permitted uses shall be five (5) acres.
(Ord. of 5-24-1989)

5C-5. Lot coverage.

5C-5-1 Maximum coverage area:

All buildings, including accessory structures, shall not cover more than thirty-five percent (35%) of the total lot area.
(Ord. of 5-24-1989)

5C-6. Setback regulations.

5C-6-1 Setback line:

The setback line shall be located one hundred (100) feet or more from all street right-of-way lines. In the case of a corner lot, no structure shall be closer than sixty (60) feet to the right-of-way line of the side street.
(Ord. of 5-24-1989)

5C-7. Width and yard regulations.

5C-7-1 Minimum lot width:

The minimum lot width at the setback line shall be two hundred (200) feet.

5C-7-2 Side yard:

Each principal structure shall have a side yard of twenty-five (25) feet, except that the side yard abutting an R-1 or R-2 District shall be fifty (50) feet.

5C-7-3 Rear yard:

Each principal structure shall have a rear yard of 35 feet or equivalent to the height of the structure, whichever is greater.

5C-7-4 Multiple principal structures per lot:

Whenever there is more than one (1) detached principal structure on a lot, a side yard shall be provided of thirty (30) feet or more between structures measured from the nearest building walls (excluding porches, balconies, stairs and eaves).

5C-7-5 Minimum setbacks, accessory uses and structures:

Accessory uses and structures shall be no closer than ten (10) feet to any side or rear property line.

(Ord. of 5-24-1989)

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ARTICLE 5D. RESIDENTIAL MOBILE HOME PARKS DISTRICT RMH

5D-1. Statement of intent; applicability.

This district is intended to accommodate mobile home parks exclusively. This district is based on the premise that the demand for mobile homes can best be supplied by the designation of mobile home parks in which the amenities normally found in a substantial residential neighborhood may be obtained. To these ends, mobile home parks are a medium-density residential area normally located adjacent to an existing state highway near commercial areas or employment centers, and open areas where similar development is planned and/or likely to occur. No home occupations are permitted.
(Ord. of 5-2-1972)

5D-2. Use regulations.

The following regulations shall apply in all RMH Districts.*

5D-2-1 Principal uses and structures:

Structures to be erected or land to be used shall be for some combination of the following uses:

5D-2-1.1 Mobile home parks.

5D-2-1.2 Accessory structures.

5D-2-1.3 Churches, parish houses and Sunday schools.

5D-2-1.4 Parks and playgrounds.

5D-2-1.5 Streets and access ways.

5D-2-2 Conditional uses:

The following uses may also be permitted subject to securing a use permit as provided for in Article 17:

5D-2-2.1 Off-street parking as required in Article 10.

5D-2-2.2 Public utilities, including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage.

*5D-2-2.3 Nameplates and signs are permitted in Article 11.
(Ord. of 5-2-1972)*

5D-3. Area regulations.

5D-3-1 Minimum park area:

The minimum area for each mobile home park shall be ten (10) acres.
(Ord. of 5-2-1972)

5D-4. Lot size.

5D-4-1 Area:

The minimum area for an individual mobile home lot shall be four thousand (4,000) square feet; provided, however, that parks without central sewerage facilities shall locate no more than three (3) units to an acre of land for the first thirty (30) units and no more than two (2) units to an acre for all units in addition to the first thirty (30) units with an overall density of no more than two and one-half (2½) units to the acre.
(Ord. of 1-2-1973)

5D-4-2 Width:

The minimum width for each mobile home lot shall be forty (40) feet, except that for any mobile home unit greater than twelve (12) feet in width, the minimum lot width shall be sixty (60) feet.
(Ord. of 5-2-1972)

5D-5. Yard and setback regulations.

5D-5-1 Minimum distance between mobile homes:

No mobile home shall be placed within fifteen (15) feet of another; provided, however, that with respect to mobile homes parked end to end, the distance between mobile homes so parked shall be no less than ten (10) feet.

5D-5-2 Setback from lanes within park:

Mobile homes within the park shall be set back no less than twenty (20) feet from the right-of-way line of any lane or driveway. In the case of a corner lot, no mobile home shall be located closer than fifteen (15) feet from the right-of-way line of the side line or driveway.

*Note—For supplemental regulations, see Article 9.

5D-5-3 Setback from public streets:

The first lot within the mobile home park shall be located no less than fifty (50) feet from any public street right-of-way which is fifty (50) feet or greater in width, or seventy-five (75) feet from the center line of any street right-of-way less than fifty (50) feet in width. In no case shall any structure be located closer to the street than the setback line.

(Ord. of 5-2-1972)

5D-6. Required improvements.

5D-6-1 Location:

Each mobile home lot shall be located on a well-drained site to ensure rapid drainage and freedom from stagnant pools of water.

5D-6-2 Markers for mobile home lots:

Every mobile home lot shall be clearly defined by markers posted and maintained in a conspicuous place on each lot corresponding to the number of each lot as shown on the site plan submitted.

5D-6-3 Patio:

A patio of one hundred (100) square feet shall be installed for each mobile home. Said patio shall be constructed of asphalt or concrete and shall be no less than three (3) inches thick.

5D-6-4 Garbage container:

Each trailer lot within a mobile home park shall be provided with at least one (1) tight-fitting, closed-top garbage or trash container with disposal provided at a frequency to assure it will not overflow.

(Ord. of 5-2-1972)

Cross reference—Solid waste, Ch. 11.

5D-7. Streets.

5D-7-1 Minimum width:

The minimum lane or driveway right-of-way on which an individual mobile home lot within a mobile home park fronts shall be 40 feet in width, in cases where driveways dead-end, a cul-de-sac with a minimum turning radius of one hundred (100) feet shall be constructed.

5D-7-2 Surface:

All driveways and lanes shall be surfaced and maintained for a width of twenty (20) feet thereof with a durable dustproof hard material. The minimum material which will meet these requirements will be a two-shot bituminous treatment applied on a base of not less than six (6) inches of compacted bank gravel or equal.

5D-7-3 Access to public street:

All driveways and lanes shall have unobstructed access to a public street or highway. Driveway entrances to mobile home parks from any public street or road shall conform to the current construction standards of the Virginia Department of Transportation.

5D-7-4 Inspection:

Before construction of any driveway or lane shall commence, notice shall be given to the authorized agent of the Board of Supervisors so that proper inspection can be made.

(Ord. of 5-2-1972)

5D-8. Parking.

Parking spaces shall be provided at the rate of at least two (2) car spaces for each mobile home lot in a mobile home park.

(Ord. of 5-2-1972)

5D-9. Water supply.

An adequate supply of water, approved by the health department, shall be furnished from a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, with supply faucets located on each trailer lot. No drinking water containers or fountains shall be located in any room housing toilet facilities. All waterlines shall be made frost-free.

(Ord. of 5-2-1972)

Cross reference—Water supply ordinance, Ch. 14.

5D-10. Sewerage facilities.

In each mobile home park, all waste or wastewater (including such waste or wastewater from mobile homes) from a faucet, toilet, tub, shower, sink, slop sink, drain, washing machine, garbage

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disposal unit or laundry shall empty into a sewer system approved by the health department and installed in accordance with the health department specifications.

(Ord. of 5-2-1972)

5D-11. Lighting.

Public areas of mobile home parks shall be adequately lighted so as to permit safe movement of vehicles and pedestrians at night.

(Ord. of 5-2-1972)

5D-12. Playgrounds.

Each mobile home park shall provide park and/or playground space, specifically and exclusively for that purpose, at a rate of two thousand (2,000) square feet per mobile home lot and a minimum of twenty thousand (20,000) square feet per park.

(Ord. of 5-2-1972)

5D-13. Additions to mobile homes.

No structure shall be affixed to any mobile home in a mobile home park nor shall any accessory structure be permitted on any mobile home lot except those structures required by this ordinance. The prohibition herein against any addition or accessory to a mobile home shall not apply to a canopy or awning designed for use with a mobile home nor to any expansion unit or accessory structure specifically manufactured for mobile homes. The lot coverage of a mobile home, together with an expansion or accessory structure permitted thereto by this ordinance, shall not exceed twenty percent (20%) of the total mobile home lot area.

(Ord. of 5-2-1972)

5D-14. Height regulations.

No mobile home shall exceed fourteen (14) feet in height nor shall any storage facility or other accessory structure permitted in this ordinance exceed the height of any mobile home which it serves. Utilities, television antennae and radio aerials are exempt.

(Ord. of 5-2-1972)

5D-15. Registration.

5D-15-1 Duty of park management to maintain register:

It shall be the duty of the park management to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall consist of the following information:

5D-15-1.1 The name and address of the owner; the make, model, year and registration number of the mobile home; and last place of location of each mobile home.

5D-15-1.2 The state where each mobile home is registered.

5D-15-1.3 The trailer lot number to which each mobile home is assigned.

5D-15-1.4 The date of arrival and of departure of each mobile home.

5D-15-2 Register to be available for inspection:

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

5D-15-3 Copy to be submitted to Commissioner of the Revenue:

A copy of said register shall be submitted to the Commissioner of the Revenue, Culpeper County, on December 31 of each year.

(Ord. of 5-2-1972)

5D-16. Requirements for permitted uses.

5D-16-1 Site plans:

Before a zoning permit shall be issued or construction begun on any permitted use in this district, detailed site plans indicating compliance with the substantive provisions of this ordinance shall be submitted to the zoning administrator for study. Modifications of the plans may be required.

5D-16-2 Application for zoning permit:

The application for a zoning permit shall be acted upon by the Planning Commission before submission to the Culpeper County Board of Supervisors.
(Ord. of 5-2-1972)

ARTICLE 6.1. GRANDFATHERING OF PARCELS ZONED C-2 AND H-1

6.1-1. Parcels zoned C-2 and H-1.

Those uses allowable now in the Articles repealed by ordinance of 11-6-1991, the C-2 and H-1 Zoning Districts, are hereby fully grandfathered and retained for the purpose of regulation of those properties so zoned on the current and future official Culpeper County Zoning Maps. Former Articles 6 and 6A are documented in Appendix C of the Code of the County of Culpeper.
(Ord. of 11-6-1991)

ARTICLE 6.1A. CONVENIENCE CENTER DISTRICT C-C

6.1A-1. Statement of intent.

This district provides for minimal convenience commercial uses to serve rural residents and supplement neighborhood and community areas. Typically a country store providing essential goods in the rural areas, a number of uses are included to consolidate facilities at the crossroads of rural activity rather than spread along highways or isolated as home occupations. The convenience center is the first stage of commercial services and is intended for only those uses of immediate need to a limited rural area.
(Ord. of 11-6-1991)

6.1A-2. Use regulations.

The following regulations shall apply in all C-C Districts:

6.1A-2-1 Principal uses and structures:

6.1A-2-1.1 Permitted uses in the R-1 District.

6.1A-2-1.2 Antique shop.

6.1A-2-1.3 Beauty/barber shop.

6.1A-2-1.4 Church.

6.1A-2-1.5 Community building.

6.1A-2-1.6 Convenience or general store [maximum five thousand (5,000) square feet].

6.1A-2-1.7 Delicatessen.

6.1A-2-1.8 Laundromat and dry cleaning pick-up station.

6.1A-2-1.9 Post office.

6.1A-2-1.10 Real estate office.

6.1A-2-1.11 Tailor and dressmaker/seamstress.

6.1A-2-1.12 Those uses permitted in the R-3 District identified for multifamily dwelling as a mixed commercial-residential structure, subject to the regulations of the R-3 District.
(Ord. of 11-6-1991)

6.1A-2-2 Conditional uses:

The following uses may also be permitted subject to securing a special use permit as provided for in Article 17:

6.1A-2-2.1 Gasoline station (sale only).

6.1A-2-2.2 Private clubs.

6.1A-2-2.3 Private schools.

6.1A-2-2.4 Professional offices.

6.1A-2-2.5 Rooming or boarding house.
(Ord. of 11-6-1991)

6.1A-3. Minimum lot area.

The minimum lot area shall be one (1) acre.
(Ord. of 11-6-1991)

6.1A-4. Lot coverage.

Lot coverage shall be: Sixty percent (60%) maximum (structure area); twenty percent (20%) green space.
(Ord. of 11-6-1991)

6.1A-5. Lot width.

Lot width shall be eighty (80) feet at the setback line.
(Ord. of 11-6-1991)

6.1A-6. Setback.

Setback shall be: fifty (50) feet from the right-of-way; 40 feet on the side facing a street.
(Ord. of 11-6-1991)

6.1A-7. Side yard.

Side yards shall be ten (10) feet, each side.
(Ord. of 11-6-1991)

6.1A-8. Rear yard.

Side yards shall be ten (10) feet, each side.
(Ord. of 11-6-1991)

6.1A-9. Building height.

Building height shall be thirty (30) feet maximum [two stories] for commercial structure; all noncommercial, forty (40) feet.
(Ord. of 11-6-1991)

6.1B-1

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ARTICLE 6.1B. VILLAGE CENTER COMMERCIAL DISTRICT VC

6.1B-1. Statement of intent.

The Village Center District provides the primary focus for rural commercial services consolidated to cultural and geographic centers of the County. As a true neighborhood center, this district concentrates economic and social uses that characterize the rural village and create an area that integrates rural living functions. Uses include post office, convenience retail, neighborhood service, recreation and community uses that are the center of rural living and provide the source of self-sufficiency for the rural economy. These centers are also the cultural centers of the County or will become so as part of future development. (Ord. of 11-6-1991)

6.1B-2. Use regulations.

The following regulations shall apply in all VC Districts:

6.1B-2-1 Principal uses and structures:

- 6.1B-2-1.1* Permitted uses in the R-2, R-3 and CC District.
- 6.1B-2-1.2* Apparel/clothing.
- 6.1B-2-1.3* Auto supplies [maximum two thousand five hundred (2,500) square feet].
- 6.1B-2-1.4* Bakery and confectionery.
- 6.1B-2-1.5* Banks and lending institutions.
- 6.1B-2-1.6* Blueprinting and photostating.
- 6.1B-2-1.7* Book and stationery store.
- 6.1B-2-1.8* Cabinet and furniture repair.
- 6.1B-2-1.9* Catalogue sales.
- 6.1B-2-1.10* Catering establishment.
- 6.1B-2-1.11* Dance studio.
- 6.1B-2-1.12* Day or child care.
- 6.1B-2-1.13* Doctor/dentist office.
- 6.1B-2-1.14* Florist.
- 6.1B-2-1.15* Funeral home.
- 6.1B-2-1.16* Gift and jewelry.

6.1B-2-1.17 General and professional offices.

6.1B-2-1.18 Hardware store.

6.1B-2-1.19 Health care clinics (not homes or institutions).

6.1B-2-1.20 Hobby/craft store.

6.1B-2-1.21 Interior decorating.

6.1B-2-1.22 Library.

6.1B-2-1.23 Locksmith.

6.1B-2-1.24 Music instruction, conservatory.

6.1B-2-1.25 Musical instruments, records, tapes.

6.1B-2-1.26 Newsstand.

6.1B-2-1.27 Pet shop.

6.1B-2-1.28 Pharmacy.

6.1B-2-1.29 Photo/film exchange and supplies.

6.1B-2-1.30 Public recreation (swimming pool, tennis courts, community center, etc.).

6.1B-2-1.31 Restaurant (excluding drive-ins).

6.1B-2-1.32 Retail stores.

6.1B-2-1.33 Secondhand stores.

6.1B-2-1.34 Shoe repair.

6.1B-2-1.35 Small appliance sales, repair.

6.1B-2-1.36 Tobacco sales.

6.1B-2-1.37 Video sales/rentals.

6.1B-2-1.38 Wholesale broker (excluding storage).

(Ord. of 11-6-1991)

6.1B-2-2 Conditional uses:

The following uses may also be permitted subject to securing a special use permit as provided for in Article 17:

6.1B-2-2.1 Animal hospital, clinic.

6.1B-2-2.2 Auditorium/theater/assembly hall.

6.1B-2-2.3 Auto service station.

6.1B-2-2.4 Bed and breakfast.

6.1B-2-2.5 Clubs, lodges.

6.1B-2-2.6 Elderly nursing homes, half-way houses for retarded persons.

6.1B-2-2.7 Fire, rescue station.

6.1B-2-2.8 Gasoline station (sales only).

6.1B-2-2.9 Health club (spa, gym, tennis club).

6.1B-2-2.10 Miniature golf course.

6.1B-2-2.11 Mini self storage [wholly enclosed units, maximum four hundred (400) square feet per unit, no outdoor storage].

*6.1B-2-2.12 Private recreation/amusement (billiards, bowling alley)
(Ord. of 11-6-1991)*

6.1B-9. Building height.

Building height shall be 35 feet maximum [three stories].

(Ord. of 11-6-1991)

6.1B-3. Minimum lot area.

The minimum lot area shall be: one (1) acre.
(Ord. of 11-6-1991)

6.1B-4. Lot coverage.

Lot coverage shall be fifty percent (50%) maximum; two thousand (2,000) square feet open space per dwelling unit.
(Ord. of 11-6-1991)

6.1B-5. Lot width.

Lot width shall be sixty (60) feet.
(Ord. of 11-6-1991)

6.1B-6. Setback.

Setback shall be fifty (50) feet from the right-of-way; thirty (30) feet on the side facing a street.
(Ord. of 11-6-1991)

6.1B-7. Side yard.

Side yards shall be zero (0) feet; fifteen (15) feet adjacent to an A, R, or RA District.
(Ords. of 11-6-1991, 6-12-1996)

6.1B-8. Rear yard.

Rear yard shall be ten percent (10%) of lot depth, but not less than twelve (12) feet.
(Ord. of 11-6-1991)

6.1C-1

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ARTICLE 6.1C. COMMERCIAL SERVICES DISTRICT CS

6.1C-1. Statement of intent.

This district provides for community and business services that need accessibility and independent siting to serve the community. Such services include tourism activities, development, supplies, agricultural services and complementary business activities. These are intense commercial uses requiring special access, buffering and land coordination conditions to successfully be integrated into the orderly pattern of commercial uses. (Ord. of 11-6-1991)

6.1C-2. Use regulations.

The following regulations shall apply in all CS Districts:

6.1C-2-1 Principal uses and structures:

- 6.1C-2-1.1* Permitted uses in the R-2 District.
- 6.1C-2-1.2* Auto, trailer sales and service.
- 6.1C-2-1.3* Boat sales, service.
- 6.1C-2-1.4* Building materials (indoor storage only).
- 6.1C-2-1.5* Business/trade schools.
- 6.1C-2-1.6* Discount stores.
- 6.1C-2-1.7* Feed stores.
- 6.1C-2-1.8* Frozen food locker.
- 6.1C-2-1.9* Furniture and appliances.
- 6.1C-2-1.10* Garden and landscape center.
- 6.1C-2-1.11* General contractor (screened equipment storage).
- 6.1C-2-1.12* Hardware store.
- 6.1C-2-1.13* Home supplies.
- 6.1C-2-1.14* Machinery and tool sales, service, rental.
- 6.1C-2-1.15* Motel, hotel.
- 6.1C-2-1.16* Passenger terminals.
- 6.1C-2-1.17* Plumbing and electrical supplies.
- 6.1C-2-1.18* Printing and publishing.

6.1C-2-1.19 Restaurants.

6.1C-2-1.20 Sign printing.

6.1C-2-1.21 Self service car wash.

6.1C-2-1.22 Upholstery.
(Ord. of 11-6-1991)

6.1C-2-2. Conditional uses:

The following uses may also be permitted subject to securing a special use permit as provided for in Article 17:

6.1C-2-2.1 Auction house.

6.1C-2-2.2 Car wash.

6.1C-2-2.3 Convalescence home.

6.1C-2-2.4 Drive-in business.

6.1C-2-2.5 Gasoline sales.

6.1C-2-2.6 Golf driving range.

6.1C-2-2.7 Health care institution.

6.1C-2-2.8 Hospital.

6.1C-2-2.9 Skating rink.

6.1C-2-2.10 Solid waste transfer station and recycling centers.

6.1C-2-2.11 Wholesale and storage, if wholly contained within structures.
(Ord. of 11-6-1991)

6.1C-3. Minimum lot area.

Lot coverage shall be forty percent (40%) maximum, storage yards must be screened and landscaped.
(Ord. of 11-6-1991)

6.1C-5. Lot width.

Lot width shall be one hundred (100) feet.
(Ord. of 11-6-1991)

6.1C-6. Setback.

Setback shall be one hundred twenty-five (125) feet from right-of-way on primary road; eighty (80) feet from right-of-way on secondary road; twenty-five (25) feet of parking setback from right-of-way or property line.
(Ord. of 11-6-1991)

6.1C-7. Side yard.

Side yards shall be twenty-five (25) feet; fifty (50) feet from an A, R, or RA District.
(Ords. of 11-6-1991, 6-12-1996)

6.1C-8. Rear yard.

Rear yards shall be equal to the height of the building (bridge or top of parapet), but not less than thirty (30) feet.
(Ord. of 11-6-1991)

6.1C-9. Building height.

Building height shall be forty-five (45) feet maximum [four stories].
(Ord. of 11-6-1991)

6.1D-1

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ARTICLE 6.1D. OFFICE DISTRICT OC

6.1D-1. Statement of intent.

This district is provided exclusively for office and office parks. The traffic, utility and intensity of office uses make them a unique land use requiring individual attention and the opportunity to consolidate uses in a coordinated setting. (Ord. of 11-6-1991)

6.1D-2. Use regulations.

The following regulations shall apply in all OC Districts:

6.1D-2-1 Principal uses and structures:

6.1D-2-1.1 Medical, professional and general offices.
(Ord. of 11-6-1991)

6.1D-2-2 Conditional uses:

The following uses may also be permitted subject to securing a special use permit as provided for in Article 17:

6.1D-2-2.1 Retail, business services and commercial recreation occupying not more than fifteen percent (15%) of the gross first floor area and integral to the principal structure and uses.
(Ord. of 11-6-1991)

6.1D-3. Minimum lot area.

Minimum lot area shall be two (2) acres.
(Ord. of 11-6-1991)

6.1D-4. Lot coverage.

Lot coverage shall be forty percent (40%) maximum; maximum 1.00 floor area ratio.
(Ord. of 11-6-1991)

6.1D-5. Lot width.

Lot width shall be one hundred (100) feet.
(Ord. of 11-6-1991)

6.1D-6. Setback.

Setback shall be one hundred twenty-five (125) feet from the right-of-way on secondary road;

twenty-five (25) feet of parking setback from the right-of-way or property line.
(Ord. of 11-6-1991)

6.1D-7. Side yard.

Side yard shall be twenty (20) feet; twenty-five (25) feet from an A, R, or RA District.
(Ord. of 11-6-1991, 6-12-1996)

6.1D-8. Rear yard.

Rear yard shall be twenty-five (25) feet for a three-story structure; fifty (50) feet for a four-story structure.
(Ord. of 11-6-1991)

6.1D-9. Building height.

Building height shall be forty-five (45) feet maximum [four stories].
(Ord. of 11-6-1991)

6.1D-10. Special provisions.

A traffic study is required along with demonstration of adequate sewer and water capability. The site shall be self-contained with planned structures, access, circulation, signage and landscaping in an integrated site design.
(Ord. of 11-6-1991)

ARTICLE 6.1E. SHOPPING CENTER
DISTRICT SC

6.1E-1. Statement of intent.

A planned center for the consolidation of retail and commercial uses allowed in the CC, VC and OC Districts. Facilities must be designed as a cohesive unit with coordinated access, circulation, parking, signage, landscaping and services to provide a unified commercial area commensurate and directly related to the area to be served and the scale of services provided. Service area and support must be demonstrated along with adequate public facilities.
(Ord. of 11-6-1991)

6.1E-2. Permitted uses; type of center.

Permitted uses and type of center shall be:

6.1E-2-1 Convenience Center:

These centers are characterized by a convenience or country store, post office and other related uses serving a small rural area. Uses are limited to CC and VC permitted uses in areas identified as Convenience Centers in the Comprehensive Plan. A location on an arterial highway or at the intersection of collector or local streets is required.

6.1E-2-2 Village Center:

The center of rural villages as identified in the Comprehensive Plan, these centers have a supermarket, pharmacy and diverse commercial good available for area residents. Primarily serving resident population [at least sixty percent (60%)], the Village Center is located on or within one-half (1/2) mile of an arterial highway.

6.1E-2-3 Community Center:

This type of shopping center serves two (2) or more village areas and may draw equally resident and nonresident consumers. This center must be located at a major intersection and within one (1) mile of a second arterial highway.

6.1E-2-4 Regional Center:

This category is for plaza and mall type development of a full range of retail services. Immediate access to an arterial intersection is re-

quired along with demonstration of at least thirty percent (30%) of market area from County residents without compromising existing retail facilities.
(Ord. of 11-6-1991)

6.1E-3. Regulations.

Regulations for centers shall be:

Requirement	Village Center	Convenience Center
Primary establishment	Convenience store	Supermarket pharmacy
Market area (miles)	1½ to 3	2½ to 5
Minimum resident support (population)	1,000	2,000
Gross square feet	5,000 to 20,000	20,000 to 100,000
Minimum lot size (acres)	2	5
Open space	10%	10%
Side yard (feet)	15	25
Rear yard (feet)	35	50
Setback (feet)	50	50
Lot coverage	50	50
Height (feet)	30	35
Requirement	Regional Center	Community Center
Primary establishment	Variety, junior department store	Department store 1 or more anchors
Market area (miles)	3 to 10	5 to 20
Minimum resident support population	8,000	30,000 plus
Gross square feet	100,000 to 300,000	300,000 plus
Minimum lot size (acres)	10	50
Open space	20%	30%
Side yard (feet)	40	50
Rear yard (feet)	75	100
Setback (feet)	100	150
Lot coverage	40%	35%
Lot width	None required	None required

6.1E-3 CULPEPER COUNTY CODE

<i>Requirement</i>	<i>Regional Center</i>	<i>Community Center</i>
Height (feet) (Ord. of 11-6-1991)	40	45

6.1E-4. Special provisions.

6.1E-4-1 Parking areas:

Parking areas are not allowed in yard or setback areas except in community or regional centers where no more than fifty percent (50%) of the yard, setback area may be used for parking. Minimum gross site green space of five percent (5%) is required in all parking areas. Parking lots and buffers shall be landscaped. Parking for community centers and regional mall shall be five and five-tenths spaces per one thousand (1,000) square feet.

6.1E-4-2 Traffic and market analysis required:

Traffic analysis is to include trip generation and distribution, network assignment, five-and ten-year projection of network volumes and entry capacities. Market analysis to include trade area, population, competitive facilities, consumer potential and projection of support for retail and commercial services by group. Demonstration of the noncompetitive population base identified in the type of center characteristics is also required. Analysis is to be from an independent, non-biased source with data and analytical techniques documented and open to inspection by the County.

6.1E-4-3 Concept plan required:

A concept plan is required indicating the overall site layout, coordination of principal structures, access, circulation, storm water management and utilities. Consolidated signage and landscape will be required.

6.1E-4-4 Final site plan required:

A final site plan of development shall be required after concept plan approval in accordance with Article 20 of this Chapter.
(Ord. of 11-6-1991)

ARTICLE 7.1. GRANDFATHERING OF PARCELS ZONED M-1 AND M-2

7.1-1. Parcels Zoned M-1 and M-2.

Those uses allowable now in the Articles repealed by ordinance of 11-6-1991, the M-1 and M-2 Zoning Districts, are hereby fully grandfathered and retained for the purpose of regulation of those properties so zoned on the current and future official Culpeper County Zoning Maps. Former Articles 7 and 8 are documented in Appendix C of the Code of the County of Culpeper.
(Ord. of 11-6-1991)

ARTICLE 7.1A. LIGHT INDUSTRY-INDUSTRIAL PARK DISTRICT LI

7.1A-1. Statement of intent.

This district provides for light industry, research and development and related uses in planned park setting and/or at appropriate locations within the community. Related uses include offices, limited retail, assembly and accessory uses designed to be integrated within the community as a unit rather than isolated activities. Activities will be carried out in a planned layout with coordinated use, circulation, access, development staging and infrastructure.
(Ord. of 11-6-1991)

7.1A-2. Use regulations.

The following regulations shall apply in all LI Districts:

7.1A-2-1 Prohibited uses:

7.1A-2-1.1 Residential structures and uses.
(Ord. of 11-6-1991)

7.1A-2-2 Permitted uses:

7.1A-2-2.1 Assembly of appliances, instruments, devices, radios, machine parts and office machines.

7.1A-2-2.2 Data processing and computing office machines.

7.1A-2-2.3 Dry cleaners and laundries.

7.1A-2-2.4 Fabrication of metal products, such as bicycles, toys, jewelry, furniture, instruments, but excluding sheet metal products.

7.1A-2-2.5 Fabrication of wood products such as cabinetry, furniture, toys, boats and woodworking.

7.1A-2-2.6 Indoor sports facility.

7.1A-2-2.7 Manufacture, assembly and processing of products from previously prepared materials including: electrical and electronic components and equipment; musical, scientific, medical, dental and photographic equipment; pharmaceutical, cosmetics, toiletries; frozen foods, beverage, confections, horticultural products; clothing and textiles.

7.1A-2-2.8 Manufacture of pottery and clay or ceramic products using only previously pulverized clay and kilns fired by electricity or natural gas.

7.1A-2-2.9 Office uses that comprise no more than thirty percent (30%) of a principal structure or group of structures on a single site.

7.1A-2-2.10 Printing and publishing.

7.1A-2-2.11 Public utility booster or relay stations, substations, transmission lines and towers, and water and sewer facilities.

7.1A-2-2.12 Radio and television studios and broadcasting facilities.

7.1A-2-2.13 Research and development activities, including laboratories, testing, prototype manufacture, experimental work and related operations.

7.1A-2-2.14 Wholesale and warehouse operations.

7.1A-2-2.15 Ancillary uses comprising no more than ten percent (10%) of the gross first floor area of the principal structure and limited to banks, credit unions and savings institutions; business machine and computer sales, service; barber, beauty shops; cafeteria, lunchroom, snack shops and newsstands; child care facility; conve-

7.1A-2

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nience store; travel bureau; telegraph office, message service; and employee recreation.

7.1A-2-2.16 Accessory uses including company vehicle service (indoor only), heliport, parking garage, retail sales of products made on premises [no more than five percent (5%) of gross floor area], motor, fuel, facilities and single night watchman or caretaker facilities that do not exceed fifteen percent (15%) of the total lot area. (Ord. of 11-6-1991)

7.1A-2-3 *Conditional uses:*

The following uses may also be permitted subject to securing a special use permit as provided for in Article 17:

7.1A-2-3.1 Automobile repair, painting, upholstery, dismantling, assembly.

7.1A-2-3.2 Boat building.

7.1A-2-3.3 Debris, landfill and transfer stations, subject to screening and acceptable soil conditions, state permitting, annual inspection and restriction on any burning. Adequate buffer and demonstration of compatibility with adjacent uses without nuisance is required prior to special permit approval.

7.1A-2-3.4 Processing of extracted minerals and resources and related wholesale operations subject to the screening and landscaping of any outdoor stockpile and storage.

7.1A-2-3.5 Outdoor storage subject to screening and landscaping. Storage of explosive or hazardous materials incidental to production or use.

7.1A-2-3.6 Truck terminal, transfer and dispatch.

7.1A-2-3.7 Welding and machine shops, excluding punch presses exceeding 40-ton rated capacity. (Ord. of 11-6-1991)

7.1A-2-3.8 Amphitheaters, amusement parks, arenas, auditoriums, fairgrounds, race tracks, stadiums or similar public gathering facilities mainly intended for

recreational uses. Ancillary and related uses such as associated offices, equipment testing facilities, assembly, food services and the like are also permitted.

(Ord. of 9-7-1993)

Editor's note—Amendment of 9-7-1993 added § 7.1A-2-3.8 as a special permit use.

7.1A-2-4 *Restricted uses:*

7.1A-2-4.1 The use of land or structure that may be hazardous, noxious, injurious by reason of production or emission of dust, smoke, refuse, odor, fumes, noise, glare, vibration or similar components is prohibited.

7.1A-2-4.2 Fuels or flammable liquids shall be stored only in accordance with DPA/SPPC regulations.

7.1A-2-4.3 Noise, glare or vibration that is discernable beyond the property line is prohibited. Lighting shall be diffused and hooded or screened so as to not spread to adjacent properties or roadways.

7.1A-2-4.4 No unneutralized refuse shall be discharged into sewers, ditches, streams or on the land. (Ord. of 11-6-1991)

7.1A-3. Minimum lot area.

Minimum lot area shall be one (1) acre. (Ord. of 11-6-1991)

7.1A-4. Lot coverage.

Lot coverage shall be fifty percent (50%) one and zero-hundredths floor area ratio with twenty percent (20%) minimum green space. (Ord. of 11-6-1991)

7.1A-5. Lot width.

Lot width shall be 150 feet. (Ord. of 11-6-1991)

7.1A-6. Setback.

Setback shall be seventy-five (75) feet from the right-of-way. No LI use shall be located on any street right-of-way less than fifty (50) feet in width. No structure shall be located closer to the street right-of-way than the setback line. Setback

shall be forty (40) feet on the side facing the street. The setback for parking and accessory uses other than structures is twenty (20) feet.
(Ord. of 11-6-1991)

Editor's note—In the second sentence, "M-1" was changed to "LI" to correct a typographical error.

7.1A-7. Side yard.

Side yards shall be twenty-five (25) feet on each side plus one (1) foot for each additional foot above fifteen (15) feet of structure height. A side yard of ten (10) feet is required for parking, loading, drives and accessory uses.
(Ord. of 11-6-1991)

7.1A-8. Rear yard.

Rear yards shall be ten percent (10%) of the lot depth, but need not exceed thirty (30) feet.
(Ord. of 11-6-1991)

7.1A-9. Building height.

Building height shall be 35 feet; maximum three (3) stories.
(Ord. of 11-6-1991)

7.1A-10. Special provisions.

7.1A-10-1 Screening or fencing required:

All side and rear lot line abutting an A, R, or RA District shall be screened or fenced with solid materials to provide a visual barrier to adjacent uses and restrict the spread of glare and noise.
(Ord. of 6-12-1996)

7.1A-10-2 Front yard use:

No truck storage, parking, loading or stacking areas are allowed in the front yard.

7.1A-10-3 Concept plan required:

A concept plan is required identifying layout of uses, circulation, infrastructure, major parking facilities and storm water management.

7.1A-10-4 Environmental impact assessment required:

Environmental assessment of significant impacts is required.
(Ord. of 11-6-1991)

7.1B-1

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ARTICLE 7.1B. INDUSTRIAL DISTRICT HI

7.1B-1. Statement of intent.

The primary purpose of this district is to establish an area where the principal use of land is for heavy commercial and industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with, residential, institutional and neighborhood commercial service establishments. The specific intent of this district is to:

7.1B-1-1 Encourage the construction of and the continued use of the land for heavy commercial and industrial purposes.

7.1B-1-2 Prohibit residential and neighborhood commercial use of the land and to prohibit another use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district or compromise the investment in industrial activity.

7.1B-1-3 To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Article. (Ord. of 11-6-1991)

7.1B-2. Use regulations.

The following regulations shall apply in all HI Districts.

7.1B-2-1 Prohibited uses:

7.1B-2-1.1 All residential structures and uses, excluding a night watchman, caretaker or resident security facility limited to five percent (5%) of the structure. (Ord. of 11-6-1991)

7.1B-2-2 Permitted uses:

In Industrial District HI, buildings to be erected or land to be used shall be for one (1) or more of the following uses:

7.1B-2-2.1 All permitted uses in the LI District.

7.1B-2-2.2 All conditional uses in the LI District except for debris landfill and trans-

fer stations (7.1A-2-3.3) and public gathering facilities (7.1A-2-3.8).

(Ord. of 8-5-1997)

Editor's note—Amendment of 8-5-1997 clarified which uses are permitted by right and which are permitted only by use permit in the Industrial District HI.

7.1B-2-3 Conditional uses:

The following uses may also be permitted subject to securing a use permit as provided for in Article 17:

7.1B-2-3.1 Uses permitted and special uses in the Commercial Services (CS) and Shopping Center (SC) Districts shall be allowed.

7.1B-2-3.2 Amphitheaters, amusement parks, arenas, auditoriums, fairgrounds, race tracks, stadiums or similar public gathering facilities mainly intended for recreational uses. Ancillary and related uses such as associated offices, equipment testing facilities, assembly, food services and the like are also permitted.

7.1B-2-3.3 Debris landfill and transfer stations, subject to screening and acceptable soil conditions, state permitting, annual inspection and restriction on any burning. Adequate buffer and demonstration of compatibility with adjacent uses without nuisance as required prior to special permit approval.

7.1B-2-3.4 Other uses not allowed as either permitted or conditional uses in any other zoning district of this ordinance. (Ords. of 11-6-1991; 8-5-1997)

Editor's note—Amendment of 8-5-1997 clarified which uses are permitted by right and which are permitted only by use permit in the Industrial District HI.

7.1B-2-4 Off-street parking:

Off-street parking as required in Article 10.

7.1B-2-5 Nameplates and signs:

Nameplates and signs as permitted in Article II. (Ord. of 11-6-1991)

7.1B-3. Performance standards.

7.1B-3-1 Performance standards:

It is the intent of this Article to prevent any building, structure or land in the HI District from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution, electrical or other disturbance; glare or heat; liquid or solid refuse or wastes; condition conducive to the breeding of rodents or insects; or other substance, condition or elements in a manner or amount as to adversely affect the surrounding area. Any use proposed and/or proposed and established under the HI District may be undertaken and maintained if it conforms to all County regulations, including the regulations of this section referred to herein as "performance standards." No use shall hereafter be established or conducted in any HI District in any manner in violation of the following performance standards.

7.1B-3-2 Noise:

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no case shall the sound-pressure level of noise radiated from any establishment, measured at the nearest lot line, exceed the values in any octave band of frequency set forth in Table I below or in Table I as modified in the correction factors provided in Table II below. The sound-pressure level shall be measured with a sound level meter and an octave band analyzer conforming to standards prescribed by the American Standards Association.

Table I
Maximum Permissible Sound Pressure Levels
Measured at the Lot Line or Midpoint of Distance
Between Two Buildings on the Same Lot with
Different Uses

<i>Frequency Band: (Cycles per second)</i>	<i>Sound Pressure Levels (decibels re 0.0002 dyne per CM*)</i>
20-75	74

<i>Frequency Band: (Cycles per second)</i>	<i>Sound Pressure Levels (decibels re 0.0002 dyne per CM*)</i>
76-150	62
151-300	57
301-600	51
601-1,200	47
1,201-2,400	42
2,401-4,800	38
4,801-10,000	35

Table II
Correction Factors

<i>Condition</i>	<i>Correction (in decibels)</i>
On a site contiguous to or across a street from the boundary of any residential zone established by this Chapter or by the zoning ordinance of any other country or any municipality	Minus 5
Operation between the hours of 10:00 p.m. and 7:00 a.m.	Minus 5
Noise of impulsive character (e.g., hammering)	Minus 5
Noise of periodic character (e.g., hum or screech)	Minus 5
Noise source operated less than:	
20% in any one-hour period	Plus 5*
5% in any one-hour period	Plus 10*
1% in any one-hour period	Plus 15*

Note—Apply only one (1) of these corrections. All other corrections [including any one (1) of the starred corrections] are cumulative.

7.1B-3-3 Vibration:

No vibration that can be detected at the lot line without the aid of instruments shall be permitted. Vibration caused by any use on any lot shall not result in acceleration exceeding 0.1g nor shall it produce a combination of amplitudes and frequencies on any building or structure beyond the "safe" range of Table 7, United

7.1B-3

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States Bureau of Mines Bulletin No. 442, entitled "Seismic Effects of Quarry Blasting." The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of the subsection.

7.1B-3-4 Smoke:

There shall not be discharged into the atmosphere from any operation on any lot visible gray smoke of a shade darker than No. 2 on the Ringelmann Smoke Chart, as published by the United States Bureau of Mines, except that visible gray smoke of a shade not darker than No. 3 on said chart may be emitted from not more than four (4) minutes in any period of thirty (30) minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of any other color but with an equivalent apparent opacity.

7.1B-3-5 Other air pollutants:

There shall not be discharged into the atmosphere from any operation on any lot fly ash, dust, dirt, fumes, vapors or gases to any extent that could result in damage to the public health or to animals or vegetation or to other forms of property, or which could cause any excessive soiling at any point; and in no event shall there be any such discharge of solid or liquid particles in concentrations exceeding three-tenths (0.3) grains per cubic foot of the conveying gas or air, nor of acid gases in excess of two-tenths percent (0.2%) by volume. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to stack temperatures of five hundred (500) degrees Fahrenheit and fifty percent (50%) excess air.

7.1B-3-6 Odor:

There shall not be discharged or permitted to escape into the atmosphere from any operation on any lot odorous or noxious gas or any other odorous or noxious material in such quantity as to be offensive beyond the premises from which such odors emanate. As a guide in determining such quantities of offensive odors, Table III (Odor Thresholds), Chapter 5. Air Pol-

lution Abatement Manual, copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C. shall be used.

7.1B-3-7 Radioactivity:

There shall be no radioactive emission that would be dangerous to the health and safety of persons on or beyond the premises where such radioactive material is used. Determination of the existence of such danger and the handling of radioactive materials, the discharge of such materials into the atmosphere and streams and other water, and the disposal of radioactive wastes shall be by reference to and in accordance with applicable current regulations of the Atomic Energy Commission, and in the case of items which would affect aircraft navigation or the control thereof, by applicable current regulations of the Federal Aviation Agency, and any applicable laws enacted by the General Assembly of the Commonwealth of Virginia.

7.1B-3-8 Electrical interference:

There shall be no electrical disturbance emanating from any lot that would adversely affect the operation of any equipment on any other lot or premises and in the case of any operation that would affect adversely the navigation or control of aircraft, the current regulations of the Federal Aviation Agency shall apply.

7.1B-3-9 Liquid or solid wastes:

There shall be no discharge of any liquid or solid wastes from any establishment into any stream except as authorized by the State Water Control Board and/or the Board of Supervisors, nor shall any wastes, debris or other discarded material be permitted to accumulate in any yard or open space on the premises.

7.1B-3-10 Glare and heat:

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion, welding or otherwise, so as to be visible beyond the lot line, shall be permitted except for signs, parking lot lighting and other lighting permitted by this Article or required by any other applicable regulation, ordinance or law. In all cases, lighting shall be diffused and hooded or screened so as not to

spread to adjacent properties or roadways. There shall be no discharge of heat or heated air from any establishment so as to be detectable beyond the lot line.

7.1B-4. Height regulations.

7.1B-4-1 Maximum building height:

Buildings may be erected up to seventy-five (75) feet in height from the adjacent ground elevation. For structures permitted above the height limit, see Article 9.
(Ord. of 11-6-1991)

7.1B-5. Area regulations.

7.1B-5-1 Minimum lot size:

The minimum lot size shall be two (2) acres.
(Ord. of 11-6-1991)

7.1B-6. Lot coverage regulations.

7.1B-6-1 Maximum lot coverage:

Lots may be covered up to sixty percent (60%) or up to a floor area ratio of one and fifty-hundredths (1.50).
(Ord. of 11-6-1991)

7.1B-7. Setback regulations.

7.1B-7-1 Setback line:

The setback line shall be located one hundred (100) feet from any street right-of-way which is fifty (50) feet or more in width. No HI District use shall be located on any street right-of-way less than fifty (50) feet in width. No structure shall be located closer to the street right-of-way than the setback line.
(Ord. of 11-6-1991)

7.1B-8. Width regulations.

7.1B-8-1 Minimum width:

Width regulations shall be one hundred (100) feet, minimum.
(Ord. of 11-6-1991)

7.1B-9. Yard regulations.

7.1B-9-1 Side yard:

Ten feet on each side and one (1) additional foot for each foot above the first fifteen (15) feet of structure height. Where the side of a lot abuts an A, R, or RA District, there shall be maintained a minimum side yard of fifty (50) feet.
(Ord. of 6-12-1996)

7.1B-9-2 Rear yard:

The rear yard shall be equal to the height of the principal structure measured from the nearest rear grade level. There shall be a minimum rear yard of one hundred (100) feet where the lot abuts an A, R, or RA District.
(Ords. of 11-6-1991, 6-12-1996)

ARTICLE 8. RESERVED*

ARTICLE 8A. FLOODPLAIN OVERLAY DISTRICT (FP)†

8A-1. General Provisions.

8A-1-1 Establishment of District:

A Floodplain Overlay District (FP) is hereby established and shall apply to all areas of special flood hazards within the County of Culpeper, Virginia. The provisions of the Floodplain District take precedence over any other zoning district, zoning article or ordinance to the extent that the provisions of this section are inconsistent with such other provisions of ordinances.

8A-1-2 Purpose:

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

8A-1-2.1 Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.

8A-1-2.2 Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.

8A-1-2.3 Requiring all those uses, activities, and developments that do occur in

flood-prone districts to be protected and/or flood proofed against flooding and flood damage.

8A-1-2.4 Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

8A-1-3 Applicability

These provisions shall apply to all lands within the jurisdiction of Culpeper County and identified as being in the 100-year floodplain by the Federal Insurance Administration.

8A-1-4 Compliance and Liability

8A-1-4.1 No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

8A-1-4.2 The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.

8A-1-4.3 This ordinance shall not create liability on the part of Culpeper County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

8A-1-5 Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in

***Editor's note**—Former Art. 8. Industrial District M-2, was repealed by Ord. of 11-6-1991.

†**Editor's note**—Ordinance of 7-1-1997 repealed the former Article 8A of the Culpeper County Zoning Ordinance in its entirety, and adopted a new Article 8A to comply with section 60.3c of the national flood insurance program and was intended to prevent the loss of life and property.

Cross references—Prerequisite to issuance of permit for construction in flood hazard areas, § 6-1; findings and determinations as to flood protection in proposed subdivisions, § 6-2.

full force and effect to the extent that its provisions are more restrictive than this ordinance.

8A-1-6 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

8A-2. Definitions.

8A-2-1 Base Flood/One-Hundred Year Flood

A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

8A-2-2 Base Flood Elevation (BFE)

The Federal Emergency Management Agency designated one hundred (100) year water surface elevation.

8A-2-3 Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

8A-2-4 Board of zoning appeals

The Board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance.

8A-2-5 Development

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

8A-2-6 Floodplain

Any land area susceptible to being inundated by water from any source.

8A-2-7 Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

8A-2-8 Freeboard

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

8A-2-9 Lowest Floor

The lowest floor of the lowest enclosed area (including basement).

8A-2-10 Recreational Vehicle

A vehicle which is:

- (a) built on a single chassis;
- (b) four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

8A-2-11 Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

8A-2-12 Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and

which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

8A-3. Establishment of zoning districts.

8A-3-1 Basis of Districts

The floodplain district shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of the district shall be the Flood Insurance Rate Maps (FIRM), prepared by the Federal Emergency Management Agency (FEMA), dated July 1, 1987 or the most recent revision thereof. The floodplain district shall consist of two (2) areas: Zone AE for which base flood elevations have been provided on the FIRM and Zone A for which base flood elevations have not been provided on the FIRM.

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated. Such areas are shown as Zone A on the Flood Insurance Rate Maps. For these areas, the one hundred (100) year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Culpeper County Planning Department.

8A-3-2 Overlay Concept

- (a) The Floodplain District described above shall be overlays to the existing underlying area as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain district shall serve as a supplement to the underlying district provisions.
- (b) Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
- (c) In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

8A-3-3 Official Zoning Map

The boundaries of the Floodplain District are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Culpeper County offices.

8A-3-4 District Boundary Changes

The delineation of any of the Floodplain District may be revised by the Culpeper County Board of Supervisors where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

8A-3-5 Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain District shall be made by the zoning administrator. Should a dispute arise from any interpretation by the zoning administrator concerning the boundaries of any of the Districts result in an appeal, the Board of zoning appeals shall hear such appeal as provided by law. The person questioning or contesting the

location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

8A-4. District provisions.

8A-4-1 General

8A-4-1.1 Permit Requirement-All uses, activities, and development occurring within any area designated as Zone AE or Zone A on the Flood Insurance Rate Maps (FIRM) shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the ordinance and with all other applicable codes and ordinances, including but not limited to the Virginia Uniform Statewide Building Code and the Culpeper County Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

8A-4-1.2 Alteration or Relocation of Watercourse-Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the Virginia Department of Environmental quality, and the Virginia Marine Resources Commission. Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the division of soil and water conservation (department of conservation and recreation), and the federal insurance administration.

8A-4-1.3 Drainage Facilities-Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and

provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent property properties.

8A-4-1.4 Site Plans and Permit Applications-All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- (a) For structures to be elevated, the elevation of the lowest floor (including basement).
- (b) For structures to be flood proofed (non-residential only), the elevation to which the structure will be flood proofed.
- (c) The elevation of the one hundred (100) year flood.
- (d) Topographic information showing existing and proposed ground elevations.

8A-4-1.5 Encroachment provisions-

- (a) No new construction or development shall be permitted within the floodplain district unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- (b) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the one hundred (100) year flood elevation.

8A-4-1.6 Recreational Vehicles-Recreational vehicles placed on sites shall either:

- (a) Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or
- (b) Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Uniform Statewide Building Code.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

8A-4-2 Approximated Floodplain District

In the Approximated Floodplain District, new subdivision proposals and other proposed developments (including proposals for mobile or manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data. The applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred (100) year flood elevation more than one (1) foot at any one (1) point. The engineering principle—equal reduction of conveyance—shall be used to make the determination of increased flood heights.

Within the floodway area delineated by the applicant, no development shall be permitted that will cause any increase in the one hundred (100) year flood elevation.

8A-5. Use regulations.

8A-5-1 Permitted uses:

In the FP District, the following uses and activities are permitted provided they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance.

8A-5-1.1 Agricultural uses such as general farming, pasture, grazing, outdoor

plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

8A-5-1.2 Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching, and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.

8A-5-1.3 Accessory residential uses such as yard areas, gardens, play areas and pervious loading areas.

8A-5-1.4 Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, pervious airport landing strips, etc.

8A-5-2 Special uses:

The following uses and activities may be permitted by special use permit provided they are in compliance with the provisions of the underlying district, satisfy the applicable standards contained in Article 17 and are not prohibited by this or any other ordinance. (All uses, activities and developments shall be undertaken in strict compliance with the Flood proofing provisions contained in this and all other applicable codes and ordinances including, but not limited to, the Culpeper County Subdivision Ordinance, Zoning Ordinance and Building Regulations and the Virginia Uniform Statewide Building Code.)

8A-5-2.1 Structures, except for dwelling units, accessory to the uses and activities in section 8A-5-1 above.

8A-5-2.2 Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.

8A-5-2.3 Water related uses and activities such as marinas, docks, wharves, piers, etc.

8A-5-2.4 Extraction of sand, gravel and other materials; dredging, filling, grading and channel improvements.

8A-5-2.5 Storage of materials and equipment provided they are either securely anchored or easily removable from the flood plain with minimal warning.

8A-5-2.6 Other similar uses and activities provided they cause no increase in flood heights and/or velocities as provided for in section 8A-4.

8A-5-3 Use limitations:

8A-5-3.1 The placement of any dwelling unit in a flood plain is prohibited.

8A-5-3.2 The location of any septic drain field within one hundred (100) feet of a flood plain is prohibited as is the land application of any solid waste and sanitary or septic sludge.

8A-5-3.3 The placement of any structure in a floodway is prohibited.

8A-5-3.4 Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system which would increase flood heights and/or velocities as defined in section 8A-4 subject to the following:

- (a) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof is not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
- (b) Such fill or other materials shall be suitably protected against erosion by riprap, vegetation cover or bulkheading.
- (c) Structures shall not be used for residential purposes.
- (d) The structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters and have a low flood damage potential.

(e) Structures shall be firmly anchored to prevent flotation.

(f) Service facilities, such as electrical and heating equipment, shall be constructed at or above the flood plain elevation.

8A-5-3.5 Prior to any proposed relocation of any channels or floodways of any watercourse, stream, etc., approval shall be obtained by the State Water Control Board and from the U.S. Army Corps of Engineers, if required. Further notification of the proposal shall be given to all affected municipalities. Copies of such notifications shall be forwarded to the state water control board, the state department of intergovernmental affairs and the federal insurance administration.

8A-6. Variances.

8A-6-1 Factors to be Considered

In passing upon applications for Variances, the Board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

8A-6-1.1 The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway that will cause any increase in the one hundred (100) year flood elevation.

8A-6-1.2 The danger that materials may be swept on to other lands or downstream to the injury of others.

8A-6-1.3 The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

8A-6-1.4 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

8A-6-1.5 The importance of the services provided by the proposed facility to the community.

8A-6-1.6 The requirements of the facility for a waterfront location.

8A-6-1.7 The availability of alternative locations not subject to flooding for the proposed use.

8A-6-1.8 The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

8A-6-1.9 The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

8A-6-1.10 The safety of access by ordinary and emergency vehicles to the property in time of flood.

8A-6-1.11 The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

8A-6-1.12 The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

8A-6-1.13 Such other factors which are relevant to the purposes of this ordinance.

8A-6-2 Referral

The Board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

8A-6-3 Determinations

Variances shall be issued only after the Board of zoning appeals has determined that the granting of such will not result in (a) unaccept-

able or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances. Variances shall be issued only after the Board of zoning appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.

8A-6-4 Notification

The Board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100) year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

8A-6-5 Records to be Kept

A record shall be maintained of the above notification as well as all variance action, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

8A-7. Existing structures in floodplain districts.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

8A-7-1 Existing Structures

Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the one hundred (100) year flood elevation.

8A-7-2 Modifications less than fifty percent (50%)

Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an

extent or amount of less than fifty percent (50%) of its market value, elevation and/or flood proofing should be considered to the greatest extent possible.

8A-7-3 Modifications of 50% or More

The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of fifty percent (50%) or more of its market value shall be considered a substantial improvement and shall be undertaken only in full compliance with the provisions of this ordinance and the Virginia Uniform Statewide Building Code. (Ords. of 8-8-1987; 7-1-1997)

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ARTICLE 8B. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

8B-1. Statement of intent.

8B-1-1 Intent:

This district is intended to accommodate the development of large tracts of land and provide incentive for design flexibility and the creation of a more desirable, coordinated living environment than would be possible under the strict application of traditional zoning. The regulations of this district are intended to recognize that changing community and land use trends have created a need for a consolidated zoning district which promotes an integrated planned community within which commercial, office, light industrial, research and development, residential, recreation and a variety of uses are conveniently linked.

8B-1-2 Objectives:

The objectives of the PUD District are generally:

8B-1-2.1 To promote the Comprehensive Plan of the community through compatible commercial, office, light industrial, residential and recreational components, each known as an activity area, within the same coordinated zoning district, in support of the "village centers" as contained in the Comprehensive Plan.

8B-1-2.2 To achieve the goals set forth in the Comprehensive Plan, including economic enhancement, provision of adequate services and public facilities and the orderly development of the County commensurate with the area proposed and the reasonable phasing of County infrastructure as identified in the Comprehensive Plan and/or scheduled in the Capital Improvement Program.

8B-1-2.3 To encourage and achieve a variety of high-quality residential development areas and provide housing to meet the varied needs of the County's population in locations and quantities that are in concert with the recommendations of the Comprehensive Plan.

8B-1-2.4 To promote architectural and design excellence through application of advanced community design concepts, which allows an orderly transition of land from rural to urban development.

8B-1-2.5 To reduce commuter demand on highways and roads by linking residential housing and recreational amenities with the workplace and other community functions.

8B-1-2.6 To provide a variety of housing types, employment opportunities, commercial, research and development, light industrial and recreation services to provide a balanced community that contributes to a cohesive living style in an integrated development environment.

8B-1-2.7 To provide for standards and development guidelines which will produce a harmonious atmosphere for the development of certain commercial, research and development and light industrial uses compatible with complementary residential, recreational and open space uses.

8B-1-2.8 To provide flexibility to develop the site in a manner which promotes the economic and efficient development of land use; provides improved public amenities; encourages appropriate and harmonious development; encourages creative design which is sensitive to the environment and which preserves and enhances specific historic sites and buildings; and promotes the conservation of unique natural features of the site as it relates to slope, size, shape, geology and other aspects of the land.

8B-1-2.9 To provide appropriate guidelines to provide for a mixture of uses which conserves existing environmental resources and features, provide usable passive and active open space and provide for the more effective development of utilities and public improvements.
(Ord. of 12-3-1991, § 8B-1)

8B-2. Application and procedures.

8B-2-1 Concept plan:

Any application for a PUD must be preceded by a concept plan at least ninety (90) days prior to any formal submission or consideration by the Planning Commission. The concept plan shall be submitted to the zoning administrator for consultation and discussion and shall include the location and components of the PUD; describe use areas, circulation and anticipated open space; and identify any unique design or natural features and the relationship of the proposal with surrounding area public facilities. The zoning administrator may consult with the Planning Commission and area agencies as appropriate. Although no formal action is required, an application will not be accepted until a concept plan has been submitted and reviewed [maximum ninety (90) days].

8B-2-2 PUD development plan:

8B-2-2.1 A PUD development plan shall be submitted with any application for rezoning to a PUD. The development plan shall consist of a drawing or drawings at an appropriate scale and accompanying text which describes the proposed general layout of land uses and the general location of structures and improvements; an access and circulation plan; general public utility plan; general storm drainage plan; and a plan showing the location of recreational areas, open space, parks and other community/public uses.

8B-2-2.2 All subsequent plans (subdivisions, site plans) and permits in the PUD shall be in general accordance with the approved PUD development plan. The PUD development plan shall become the zoning map for the tract so designated and carry the same responsibilities, together with any conditions, as any conditional zoning under the County Code. The plan shall present a unified and organized arrangement of buildings, service areas, parking, landscaped recreation, open space and community facilities to provide for maximum comfort, convenience and quality of living environment.

8B-2-2.3 The PUD development plan application shall provide the following information and materials and any other relevant data which may be used to evaluate the project:

- a. A map of the entire site to be rezoned, including the name and address of the owner and the developer and the legal boundaries at a scale of not greater than one (1) inch to six hundred (600) feet.
- b. A narrative of the planning purposes to be achieved by the proposed PUD, including how the uses meet the intent of this section, an assessment of the proposal's relations to the Comprehensive Plan and the objectives of this Article, the design theme and major elements, principal site features used to accentuate the scheme and environmental components integrated into the plan. It must be demonstrated how the PUD relates to and complements at least one (1) village center as identified in the Comprehensive Plan and that the PUD will not compromise an existing village center. The lack of such justification requires that the Comprehensive Plan be formally amended to assess the PUD in relation to long-range County needs and demonstrate coordination with future land use plans.
- c. An analysis of existing conditions with supporting maps [of at least one (1) inch to six hundred (600) feet] which show:
 1. Existing structures and uses.
 2. Existing public facilities and services, including rights-of-way and easements.
 3. Identification of existing zoning on-site and within five hundred (500) feet of the project's boundaries.
 4. Principal natural features.

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5. A site analysis to include the location and description of significant historic landmarks or sites contained on any state or federal register and County records, cemeteries, vegetation, topography [five-(5) foot contours], hydrology, soil types, airport noise zones (if applicable), flood plains, wetlands, stormwater drainage and significant man-made and cultural features.
- d. A proposed land use plan. Such a plan will be drawn at a scale of one (1) inch equals two hundred (200) feet and identify:
 1. Proposed land uses, estimated acreages and their approximate locations; total dwelling units by type and density for each residential area; and estimated acreage and type for each non-residential area.
 2. Proposed and existing road networks (width, rights-of-way, etc.)
 3. Principal nonresidential structures (maximum square footage by type).
 4. The general location and acreage of open space, recreation and common areas to be dedicated for community use or public purposes, if any, and their linkages or circulation system.
 5. A general landscape plan which focuses on the location and type of overall landscaping to be used (trees, plants and berming) within the project, as well as the special buffering required between proposed project land uses and adjacent zoning districts.
 6. The proposed location of utilities and general drainage, and a plan of each.
7. A phasing plan for development and estimated schedule including public utility phasing.
- e. Transportation analysis. The applicant shall prepare a transportation study, which shall include at a minimum:
 1. An analysis and description of base existing conditions and traffic volumes for the external road network serving the site.
 2. An analysis and description of projected conditions (both project life and twenty (20) year term) based on the proposed land uses within the project and traffic growth on adjacent highways. Trip generation rates for morning and evening peak hours of the project shall be prepared, by development and phase (if phased), as well as the internal/external trip distribution and intersection and capacity analysis.
 3. The analysis will demonstrate the adequacy of the project's internal and external adjacent road network and identify off-site access or traffic control improvements generated exclusively by the traffic demands of the proposed project for each phase (if any) and at full development.
 4. The analysis shall contain recommended internal and off-site road or transportation improvements to accommodate land use development and network growth for each phase and at full development.
- f. Economic analysis: an evaluation of the existing and anticipated market for proposed facilities and growth trends of the County.

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- g. An environmental assessment of the total proposed development, including:
 - 1. Demographic profile of proposed development (population, housing, school children and employment).
 - 2. Housing types and range of costs for each area relative to the community.
 - 3. Environmental impacts related to the PUD.
 - 4. Assessment of impact on community facilities, services and taxes.
 - 5. Mitigation plan, if appropriate.
- h. Any proposed covenants, deed restrictions and the organization for governance of any common land/facilities in the PUD. Such documents shall provide for required responsibilities for ownership and maintenance of open space and common facilities and enforcement of any covenant or deed provisions. These documents may be in draft and will be used for informational purposes. This requirement may be waived by the Planning Commission until subdivision or site plan applications are submitted.

8B-2-3 Procedures for consideration:

8B-2-3.1 Zoning administrator. The zoning administrator shall review the application and refer copies to the appropriate agencies for recommendation and prepare a report for the Planning Commission within ninety (90) days of formal application of the development plan. The zoning administrator shall notify the Planning Commission of all applications received by the next regularly scheduled meeting.

8B-2-3.2 Planning Commission. The Commission shall proceed in general as for any other rezoning application, as required by this ordinance, and shall make a recommendation to the Board of Super-

visors within four (4) months of its first consideration or as extended in writing by the applicant. They shall give special consideration to the following matters:

- a. The suitability of the tract for the type and intensity of the activities proposed in terms of the recommendation of the Comprehensive Plan, physical characteristics and its relation to village centers, or if such a relationship cannot be demonstrated, an amendment to the Comprehensive Plan identifying the economic and social compatibility with long-range County development.
- b. The reasonably foreseeable availability of adequate roads, utilities and public facilities to serve the tract at the ultimately proposed density or limits of development.

8B-2-3.3 Board of Supervisors. The Board shall proceed in general as provided for in other rezoning applications. The Board may approve the application as proposed; or approve with specific modifications of the development plan; or approve some other suitable zoning district; or deny the application. Any covenants, governance documents and easement (if applicable) shall be recorded in the Culpeper County Circuit Court Clerk's office within sixty (60) days of approval of future subdivision and site plan applications.

8B-2-4 Procedures for PUD establishment and amendment:

8B-2-4.1 A PUD may be established by zoning map amendment in accordance with the Code of Virginia and the procedures of this ordinance as specifically modified hereby.

8B-2-4.2 Changes in the development plan may be proposed by the applicant prior to the Board of Supervisors' public hearing. The Board of Supervisors may at its discretion consider the application as proposed or may return it to the Planning Commission for further review.

8B-2-4.3 Land area may be added to an established PUD if it adjoins and is proposed to be made an integral part of the approved development. The procedures for any addition of land or substantial change in the development plan shall be the same as for an original application and all requirements shall apply except the minimum acreage requirements of this section.

(Ord. of 12-3-1991, § 8B-2)

8B-3. Permitted uses.

The following uses shall be permitted in any PUD, subject to the requirements and limitations contained herein, and are encouraged in a balanced mixture to promote the objectives of this section:

8B-3-1 Residential uses:

Uses and structures allowed by right in the R-1, R-2 and R-3 Districts of this Zoning Ordinance. Such uses shall contain at least fifty percent (50%) single-family dwelling units based on total residential development and encourage a diversity of housing types and density.

8B-3-2 Major open space:

Includes passive and active recreation areas, open space and corridors of at least one hundred (100) feet in width; trails interconnecting open space areas: woodlands; preservation and conservation areas; public and private recreation; community facilities; buffers; and limited commercial recreation at a maximum of one (1) acre for each ten (10) acres of open space. Such open space is required to constitute at least twenty percent (20%) of gross land area of the PUD in addition to the minimum recreation areas required for residential development. Recreation uses are allowed in open space areas consistent with the function of such space.

8B-3-3 Commercial uses:

Uses and structures allowed by right in the CC, VC, OC and SC Districts of this Zoning Ordinance. Commercial uses shall be generally not less than twenty (20) square feet of shopping and convenience retail and service per dwelling

unit. Such land or structures dedicated to commercial use shall not exceed ten percent (10%) of the entire development without specific justification and approval of the Board of Supervisors. When commercial viability is found to be dependent upon the residential support of the PUD itself, the Board of Supervisors may require up to one hundred (100) units to be completed prior to any commercial construction.

8B-3-4 Restricted industrial uses:

Light industry, research and development, warehouse and other uses as allowed in the LI District of this Zoning Ordinance, in a "campus" or park-like setting or in association with an office park or flexible-use facility in the PUD. An increase in lot coverage of up to ten percent (10%) is permissible where a linkage is committed to affordable housing units in a designated part of the PUD. It must be demonstrated that ten percent (10%) of the units in the PUD are available to (owner units) or occupied by (rental units) those with household incomes that do not exceed one hundred twenty-five percent (125%) of the poverty guidelines of the most recent federal register plus three percent (3%) per year for a period of ten (10) years following construction at the time of application. "Availability" shall mean that the purchaser or renter will spend a maximum of thirty-five percent (35%) of total income for housing costs. No industries that are noxious or generate excessive noise, vibration, effluent or hazardous materials as defined by Article 7.1B of this Zoning Ordinance are permitted. Land used for industrial activities shall not exceed twenty-five percent (25%) of the PUD area.

8B-3-5 Prohibited uses:

Junkyards, off-site signage and billboards, drive-in theaters, used automobile and truck/trailer sales, individual residential mobile homes, residences in industrial uses, petroleum or chemical bulk storage, explosives, outdoor unscreened storage yards, public utility electrical generating stations (transformer substations, booster stations and the like are permitted).

8B-3-6 Accessory uses:

Uses incidental and customarily associated with principal uses and common public facilities, including but not limited to common parking/commuter lot, public recreation (tennis courts, swimming pool, etc.), limited day care as a part of an in-house employee program, a maximum of fifteen percent (15%) retail space as a part of an office or industrial structure.

8B-3-7 Special uses:

The following uses shall be permitted in the PUD only with a special use permit as required in Article 17:

8B-3-7.1 Motor vehicle fuel sales and service stations.

8B-3-7.2 Hospital/nursing home.

8B-3-7.3 Private schools.

8B-3-7.4 Heliports.

8B-3-7.5 Fast food restaurant, if independently sited.

(Ord. of 12-3-1991, § 8B-3)

8B-4. Development standards.

8B-4-1 Minimum district size:

Minimum district size shall be two hundred (200) acres.

8B-4-2 Minimum lot area:

Minimum lot area shall be as required by the district specified by this section.

8B-4-3 Minimum lot width:

Minimum lot width shall be as required by the district specified by this section.

8B-4-4 Village Center:

The Village Center is the epitome of integrated PUD uses providing for residential, retail, services and employment in a planned setting of streets, paths and recreation. Those centers identified in the Comprehensive Plan are encouraged for consolidation of use and mixing of activities to represent the heart of neighborhood development. Proposals which are not located in an identified village center may require an amendment to the County Compre-

hensive Plan. To encourage the development of a PUD in an identified village center, the following incentives are provided:

8B-4-4.1 Uses and densities allowed in the R-4 District subject to the conditions as imposed by that district. No more than forty percent (40%) of the dwelling units in the center shall be of this type.

8B-4-4.2 Residential uses are allowed in mixed use structures with retail and office uses. A maximum of fifty percent (50%) of total floor area is permitted for residential use, and no residential units are allowed on the first floor of a mixed use structure. Mixed use structures are allowed a ten percent (10%) increase in residential density if a five percent (5%) increase in recreation space within the village center is also provided [at least five (5) acres in size].

8B-4-5 Individual lot coverage—nonresidential buildings:

Coverage of any individual lot for nonresidential buildings shall not exceed forty percent (40%), and a minimum of twenty percent (20%) of the lot shall be maintained as green or open space unless shown to be consolidated as common space in the same area, centrally located and at least five percent (5%) greater than the sum of green space required individually. Buildings shall be separated from each other in accordance with section 9-4 of this Zoning Ordinance.

8B-4-6 Parking requirements:

Parking requirements shall be in accordance with Article 10 of this Zoning Ordinance for individual or cumulative uses. All parking areas for more than ten percent (10%) of vehicles shall include five percent (5%) green space landscaped to break up the continuity of impervious surface.

8B-4-7 Signage:

Signage shall be in accordance with the provisions of Article 11 of this Zoning Ordinance, subject to the following modifications:

8B-4-7.1 All free standing signs shall be of monument design and no greater than

five (5) feet in height and shall be sited to avoid obscuring entry or egress sight distance.

8B-4-7.2 Locational advertising signs are prohibited.

8B-4-7.3 A coordinated, unified sign plan shall be utilized for direction and information signage in the entire PUD and advertising signs in each area.

8B-4-8 Maximum structure height:

The maximum height of any structure shall be forty-five (45) feet.

8B-4-9 Minimum residential use area:

Residential uses shall be at least fifty percent (50%) of the PUD area, excluding open space, easements and roadways. This limitation may be reduced by the Board of Supervisors, if the PUD development plan includes two (2) or more of the following:

8B-4-9.1 Substantial open space beyond the minimum requirement.

8B-4-9.2 Innovative and unique urban design features/amenities.

8B-4-9.3 Significant community, cultural, recreational and/or education facilities.

8B-4-10 Maximum gross development density:

Total residential development shall not exceed a gross density of three (3) dwelling units per acre; individual commercial, industrial development shall not exceed a gross floor area to lot ratio of one to 20 (1:20).

8B-4-11 Maximum residential density bonus:

The maximum allowable residential density bonus in the PUD is twenty-five percent (25%) from all incentives.

8B-4-12 Public facilities:

Residential development shall be supported by public facilities in the general vicinity of or within the PUD, such as active recreation areas, green spaces, library sites, fire station sites, commuter parking and school sites. There shall be common space provided for active and/or passive recreation on the basis of one thousand two hundred (1,200) square feet for

each detached residence and five hundred (500) square feet for each attached or multifamily residence. The recreation areas shall be integrated into the overall design of the PUD with proximity to residential areas and no designated recreation area less than one (1) acre for each residential section and at least one (1) recreation area of five (5) acres in the PUD. Other public facilities or sites for such facilities may be required to be included in the PUD where there is a need for such.

8B-4-13 Utility lines:

All common utility lines shall be placed underground and utilize common easements whenever possible.

8B-4-14 Outdoor lighting:

Outdoor lighting for structures and parking areas shall use "upwash" or low-level illumination techniques and be coordinated with site development features. All lighting shall be hooded or directed to avoid glare and the spread of unrestricted light on adjacent property and roadways.

8B-4-15 Cluster housing encouraged:

Cluster housing is encouraged in the PUD for all allowable uses. Any conditions for cluster development apply as identified in section 9-5 of this Code. Required open space for clustering is in addition to any required in the PUD, but may be reduced by ten percent (10%) of development if the open space is clustered with PUD recreation or open space as part of the consolidated design of the tract. The open space must remain accessible and usable to the housing it relates to in accordance with clustering provisions.

8B-4-16 Specific modifications or bonuses:

Specific modifications to this Article, bonuses in the form of increased density, or other benefits to the developer may be considered by the Board of Supervisors as an incentive if the developer provides certain features, such as affordable housing or amenities beneficial to Culpeper County.
(Ord. of 12-3-1991, § 8B-4)

8B-4-17 Uses subject to zoning district provisions:

Except as otherwise specified in this Article, proposed uses within a PUD shall be subject to the provisions set forth in the zoning districts within this Zoning Ordinance (i.e., Article 3 through Article 7.1B).

(Ord. of 8-3-1993)

8B-4-18 Private roads:

Roads within a PUD may be private. However, they must be constructed to the current standards of the Virginia Department of Transportation as outlined in Article VII of the Subdivision Ordinance.

(Ord. of 8-3-1993)

Editor's note—Amendment of 8-3-1993 added §§ 8-B-4-17 and 8B-4-18 to clarify the role of the various zoning district regulations in PUD developments and which allow for private roads in PUD developments.

8B-5. Yards and setbacks.

8B-5-1 Residential:

Yards and setbacks shall be as required in the district specified in this section.

8B-5-2 Nonresidential:

8B-5-2.1 All buildings and other principal structures shall be set back a minimum of twenty-five (25) feet from all street rights-of-way.

8B-5-2.2 No rear or side yards shall be required, except as provided in Article 9, Special Provisions, provides that each lot shall have at least a fifty (50) foot wide unobstructed access to a area service area capable of handling emergency and refuse removal equipment if the rear of the lot is not otherwise accessible via a street, drive or parking area.

8B-5-3 Buffer:

The perimeter of the PUD shall be buffered to protect adjacent uses. The buffer shall consist of a berm or landscape or existing vegetative cover to screen conflicting uses and shall be to a depth as required in the adjacent district (side or rear, respectively) plus two (2) times the maximum height of the structures nearest the boundary. In no case shall the buffer be less

than one hundred (100) feet, and any subsequent structures shall adhere to the same standard in meeting or exceeding the buffer. Exceptions to the depth requirement includes an adjacent PUD, clustered development or the same adjacent zoning district as being used in the PUD. In those cases, the buffer depth shall be as required for the adjacent district.

8B-5-4 Zero lot line:

The front, side or rear yard requirements for single-family residential development may be eliminated for adjacent units creating attached units of a commensurately smaller area. A ten percent (10%) increase in density is allowable for such development, provided that an equivalent amount of common open space is provided in the PUD. A maximum of fifteen percent (15%) of such units is allowable in the PUD.

(Ord. of 12-3-1991, § 8B-5)

8B-6. Permits and approvals.

8B-6-1 Review process:

Following approval of the PUD development plan, the review process prescribed by this zoning ordinance shall be completed and satisfied prior to issuance of a building permit. Generally, the subdivision and/or site plan process and requirements will be utilized to fulfill this ordinance. In addition, the exemptions or provisions below will supplement those processes.

8B-6-1.1 To promote a campus-like character within each PUD district, a landscaping plan shall accompany each site plan to maximize the visual effects of those green spaces that are seen from existing public roads.

- a. All service, loading, storage and trash areas shall be fully screened from view from public streets and from adjacent properties.
- b. Parking areas for more than ten (10) vehicles shall be screened or buffered from view from existing public street by berms, landscaping, fences or walls.

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8B-6-1.2 Primary access to the internal PUD road network shall be provided from those roads with the greatest available capacity to accommodate project traffic.

8B-6-1.3 Commercial and industrial buildings shall be so grouped in relation to parking areas that persons arriving by automobile may easily access buildings with a minimum of internal automotive movement on the site.

8B-6-1.4 Areas where deliveries are to be made or where services are to be provided to vehicles shall be so located and arranged as to prevent interference with pedestrian traffic within the center.

8B-6-1.5 Natural open space areas shall accentuate and complement the visual and physical impacts of structures and be used to buffer and define neighborhoods.

8B-6-1.6 A common, but not stereotyped, architectural theme shall be developed and maintained throughout the proposed development.

8B-6-1.7 The plan shall provide a level, scale and location of support services which, taken as a whole, are reasonably sufficient to service the activity areas of the plan.

8B-6-1.8 The plan shall minimize natural site disturbance by respecting natural topography and features in determining building design and location.

8B-6-1.9 Sketch plans are not required for subdivision review of PUD sections.

8B-6-1.10 Uses requiring a special permit will be processed in accordance with Article 17 of this ordinance.
(Ord. of 12-3-1991, § 8B-6)

written findings that such variations are generally in keeping with the spirit and concept of the approved PUD development plan, in accordance with conditions or modifications required by the Board in its approval and in accordance with the regulations currently then in effect.

8B-7-2 Amendments:

Amendments to the PUD development plan may be made through the zoning map amendment process as set forth in this ordinance and excluding minor changes as identified in section 8B-4 of this Article.

(Ord. of 12-3-1991, § 8B-7)

8B-7. Variations from approved PUD development plan.

8B-7-1 Minor variations:

Minor variations (as defined in section 8B-4 of this Article) in site plans and subdivision plats from the approved PUD development plan may be permitted by the zoning administrator upon

ARTICLE 8C. WATERSHED MANAGEMENT DISTRICT (WMD)

8C-1. Statement of intent.

8C-1-1 Intent:

The Watershed Management District (WMD) is established to provide for the protection of water quality and the proper management of stormwater resources in the Lake Pelham-Mountain Run Lake Watershed. The WMD is created to promote the public health, safety and welfare by protecting the public water supply and minimizing the potential of pollution and degradation of the supply of drinking water for Town and County residents. The WMD is also established to ensure the management of stormwater to enhance the flood-control capability of the lake system and assure adequate reserve capacity and longevity of the Lake Pelham Reservoir. The WMD shall provide for protection of the watershed and its headwaters through minimum disturbance of the land, restriction of stormwater pollution and avoidance of water quality degradation. In addition, the groundwater capabilities of the watershed shall be protected to provide for aquifer recharge as the sole alternate to surface water drinking supplies.

8C-1-2 Findings of fact:

8C-1-2.1 It is the aim of this district to provide regulations that will apply within the designated watershed, as adopted by the County Comprehensive Plan and in accordance with the Lake Pelham-Mountain Run Lake Watershed Management Plan and its implementation policies, to respond to the unique conditions and special circumstances presented there and prevent the further or future deterioration of associated water resources. This watershed has been identified as a sensitive resource that requires exceptional means and careful planning to avoid compromising the stormwater and lake reservoir system and its public benefits.

8C-1-2.2 The public interest is best served by protecting the capabilities of the watershed for current and future residents

and preventing the deterioration of water quality. As a limited resource, the lake system is subject to accelerated degradation from development and human activity that could create a public health liability, severely restrict the usefulness of the resource and/or produce significant public cost to restore, if possible.

8C-1-2.3 Therefore, these regulations are promulgated to protect these interests, avoid adverse effects and ensure the continued viability of watershed resources. (Ord. of 3-3-1992, § 8C-1)

8C-2. Definitions.*

(Ord. of 3-3-1992, § 8C-2)

8C-3. Watershed management regulations.

Every development in the watershed shall be subject to the additional regulations contained in this Article. An evaluation of proposals will be required for evaluating the resulting downstream impact to avoid and/or mitigate those impacts so as to protect the water quality and restrict future degradation of the watershed. It is incumbent on the applicant to demonstrate that the public interest will be upheld and that protection of the public drinking supply will be preserved. Development shall be regulated to protect watershed resources to every extent practicable.

8C-3-1 Environmental Impact Assessment (EIA):

Every development in the watershed shall be accompanied by an EIA that assesses the off-site impacts of stormwater generated from the proposal; before-and after-development water quality loadings; the affect of slopes, soils, wetlands, and other natural features; prospective BMP's and effect on stream/lake loadings; and consideration of alternatives to the proposal. The County may require implementation of a comparable alternative development layout if it is found to be superior in providing water quality protection. The EIA shall present mitigation measures for identified impacts and, where acceptable to the County, include them in the development plan as a condition of approval.

***Editor's note**—See art. 2, Definitions.

8C-3-2 Watershed management plan and policies established:

8C-3-2.1 The Watershed Management Plan (Espey, Huston & Associates, Inc.; September 1989) and Policies (adopted into the Comprehensive Plan; January 1990) are hereby incorporated as a part of this Article to identify critical elements of the watershed, establish analytical criteria and assure the protection of water quality. The Plan identifies:

- a. Watershed boundary.
- b. Critical lakes, streams and tributaries.
- c. Drainage basins.
- d. Buffer areas for critical watercourses.
- e. Proposed wet pond sites for consolidated stormwater management.
- f. Restrictions on overall development by drainage basin.
- g. Identification of critical sewer/water service areas around Lake Pelham.

8C-3-2.2 The Plan and Policies shall be used to review development proposals and establish limits of loadings within each drainage basin in the watershed.

8C-3-3 Cluster development preferred:

8C-3-3.1 The use of cluster development for residential uses is preferred, with required open space to be used for buffering critical watercourses and avoiding environmentally sensitive areas that can compromise downstream resources. Sensitive environmental areas include steep slopes, lake and stream banks and highly erodible soils.

8C-3-3.2 Any cluster development shall decrease in intensity of use as the distance from the identified stream/water body buffer decreases. This decreasing density shall be established by creating imaginary five hundred (500) foot bands around the buffer and then establishing the density of each band, diminishing in intensity as the buffer is approached. If it can be shown that proposed BMP's or

natural features of the land, such as topography, will better serve to protect water quality, this requirement may be waived. Where development is part of a PUD, nonresidential uses shall be limited to commercial activity that is supported by the development and no more than ten percent (10%) of the tract.

8C-3-4 Development limitations:

The WMD establishes overall limits to development within each drainage basin, in accordance with the Watershed Management Plan, to avoid overloading the capacity of each basin and prevent eventual stream/lake degradation. Each basin contains density limits which represent a maximum for any one (1) development [i.e.: ten (10) dwelling units per acre]. Nonresidential development other than parks, churches, and community facilities shall be limited. New areas for nonresidential use are not prohibited but are discouraged. All nonresidential development is subject to density limitations which coincide with the residential limitations. [For the purpose of exchange, two thousand (2,000) square feet of non-residential floor area is equivalent to a dwelling unit].

Drainage Basin		Maximum Density / DU/Acre
Vaughn Branch	VB	0.33
Bond Branch	BB	0.20
Gaines Run	GR	10.00
Hungry Run	HR	5.00
Lake Pelham	LP2	0.20
Lake Pelham	LP3	0.20
Lake Pelham	LP4	0.20
Lake Pelham	LP5	0.33
Lake Pelham	LP6	3.00
Lake Pelham	LP7	1.00
Mountain Run	MR1	0.33
Mountain Run	MR2	0.33

<i>Drainage Basin</i>		<i>Maximum Density/ DU/Acre</i>
Mountain Run	MR3	1.00
Caynor Lake	CL1	0.33
Caynor Lake	CL2	2.00

8C-3-5 Buffers required:

8C-3-5.1 Development in the WMD shall require buffering around lakes, on each side of streams and along tributaries. All buffers shall be left in their natural vegetative state or improved with suitable landscaping so as to increase the stormwater and pollutant/nutrient reduction capabilities of the buffer. General maintenance of such buffers, including removal of undesirable species, is permitted as long as the integrity of the buffer is maintained. In accordance with the Watershed Management Plan, required watercourse buffers shall be defined as a minimum distance from the watercourse as follows:

- a. Lake Pelham and Mountain Run Lake: Two hundred (200) foot minimum from normal pool elevation [384.9 feet elevation, Lake Pelham; 434.0 feet elevation, Mountain Run Lake].
- b. Primary streams and wet ponds: One hundred (100) foot minimum from the flood way or the normal pond pool.
- c. Identified tributaries: Fifty (50) foot minimum from the center line of the watercourse.

8C-3-5.2 No future development, construction or introduction of impervious surface shall be allowed in the buffer, other than road crossings, passive recreation and utilities, subject to demonstration that no reduction in the quality of the buffer shall occur. Uses specifically prohibited in the buffer include septic systems and drainfields, feed lots (i.e., finishing cattle for slaughter), fuel or petroleum storage,

sewer pump stations, etc. Detention ponds and dams may be located in the buffer. Additional buffer will be required around a pond.
(Ord. of 3-3-1992, § 8C-3)

8C-4. WMD development standards.

8C-4-1 BMP's required:

8C-4-1.1 Every development shall require some form of best management practices (BMP's) to mitigate watershed impacts and limit on-site effects. Each development is required to select and implement the most appropriate BMP for dealing with stormwater runoff and protection of water quality. BMP's may include, but are not limited to, wet or dry ponds, filter strips along roads and drives, limits to site grading, early vegetative cover, spoil pile stabilization, grass swales for drainage channels, hydroseeding of graded areas and other techniques as suggested by the Commonwealth of Virginia State Water Control Board Urban Best Management Practices Handbook, most current edition.

8C-4-1.2 Best management practices shall be reserved solely for the identified purpose for as long as the County requires and adequate provision made for maintenance. Easements may be required for any BMP included in a development proposal and the area in wet or dry ponds must be dedicated to such use and recorded prior to finalization of any subdivision or site plan. Adequate assurance of maintenance and future transfer to a legal responsible entity must be provided as a condition for approval. Golf courses shall be required to develop a nutrient management plan that demonstrates that the fertilizers and pesticides will be contained on-site and will not impact the off-site surface water or groundwater resources.

8C-4-2 Disturbed area, impervious surface:

8C-4-2.1 Development in the WMD shall be limited to minimize land disturbance and reduce the potential of downstream

degradation. Each site or parcel of land shall be restricted as to the total area of disturbance and the creation of impervious, nonporous surfaces to inhibit erosion, reduce runoff and impede the off-site impact of development in the watershed. Generally, the area of total disturbance of the land for roads/drives, utilities, structures, parking and activity space shall not exceed forty percent (40%) of the tract at any one (1) time, excluding wet ponds and BMP's. Porous pavement, while not considered impervious surface, is considered disturbed area. Areas of land disturbance shall be so noted on plats and site plans for review and visibly identified in the field for inspection. Future site development must include any unstabilized areas resulting from previous disturbance and its cumulative effect on proposed disturbed areas.

8C-4-2.2 The maximum allowable impervious surface area for nonresidential development shall be twenty-five percent (25%) of the tract. Residential subdivisions shall be limited to a maximum of fifteen percent (15%) impervious surface for each lot and twenty-five percent (25%) of the entire tract for subdivision development. Clustered development shall not be limited by lot as long as the maximum impervious surface for the entire tract does not exceed twenty-five percent (25%). Nonresidential subdivisions shall be subject to twelve and five-tenths percent (12.5%) maximum impervious surface for interior roads.

8C-4-3 Erosion and sediment control plans:

Every development is required to file an erosion and sediment control plan in accordance with Chapter 8 of the Culpeper County Code and the Virginia E&S Control Handbook, most current edition. Development in the WMD that disturbs five thousand (5,000) square feet or more of land area shall comply with this regulation except agricultural activities as exempted by state law.

8C-4-4 Utility services:

Municipal sewer services shall be encouraged in sensitive areas of the watershed around Lake Pelham. Drainage Basins GR, HR, LP6 and LP7 are included in Phases I and II; LP2, LP3, LP4, LP5, BB, VB and MR1 are all included in Phase III. Development in Phases I and II should be coordinated to coincide with the implementation of municipal services rather than septic systems. All other utilities and service methods shall be in accordance with Chapter 14, the Sanitary Code of Culpeper County. Package plants identified in section 14-20 are prohibited.

8C-4-5 Exclusions, credits and bonuses:

8C-4-5.1 Any property which is shown on a site plan or subdivision plat to be engineered so as not to drain into Lake Pelham, directly or indirectly, shall not be considered to be regulated by the WMD, notwithstanding its depiction on the Official Map, as long as the subsequent development is in accordance with such plan or plat.

8C-4-5.2 If, in the opinion of the Board of Supervisors, it is good planning practice to do so, where land lying within the watershed is under common ownership and is adjacent to or part of a tract proposed for development, the use of which is limited to park, open space or passive recreation, such land can be utilized in establishing the density, impervious surface and disturbed area for the development. Limitation of use must be guaranteed for all intents and purposes by permanent easement.
(Ord. of 3-3-1992, § 8C-4)

8C-5. Agricultural activities.

8C-5-1 Farm plans:

All agricultural operations in the watershed shall be encouraged to exercise conservation measures and agricultural BMP's. Such operations are required to file a farm plan with the Soil and Water Conservation District that meets the intents and objectives of this Article, includ-

ing required buffers and other pertinent practices as guided by the Soil and Water Conservation District.

8C-5-2 Agricultural hardship:

This Article shall not prevent the Planning Commission from providing an exception to agricultural operations that would otherwise be compromised by these regulations. These cases are recognized as special hardships that, while required to conform to this Article to further the public purpose, shall not be significantly impaired or restricted from the agricultural use of their property.
(Ord. of 3-3-1992, § 8C-5)

8C-6. Vesting.

8C-6-1 Existing parcels:

Proposals for subdivision or site plan approval which have proceeded to the level of public hearing (having been approved by the Planning Commission and/or Board of Supervisors) shall be vested with regard to lot size, density and the other regulations of this Article other than the requirements for buffering, impervious surface or erosion and sediment controls. Any future site plan or subdivision of the property must fully comply with the regulations contained in this Article. A (Agricultural), R (Residential), or RA (Rural Area) zoned lots that preexist the adoption of this Article are considered vested with regard to lot size only. Commercial and industrial properties are vested only with regard to allowable uses. All existing structures are fully vested.
(Ord. of 6-12-1996)

8C-6-2 Site plan exceptions:

8C-6-2.1 In any case or request for a site plan on a parcel existing on March 3, 1992 and on which the zoning has not changed since that date, in which the applicant claims or can produce evidence that the use of his property will be negatively affected as opposed to the use allowed prior to the enactment of this Article, the Planning Commission may, for good cause shown, at its option and at the request of the applicant, reduce the required buffering on any given parcel so affected. Upon

request, the applicant shall present a proposed buffering plan as an alternative to the Code requirements. The Planning Commission may adopt this plan or impose other requirements related to the protection of the watershed.

8C-6-2.2 In any case or request for a site plan amendment on a developed parcel existing on March 3, 1992 and on which the zoning has not changed since that date, the density limitations contained in section 8C-3-4 may be waived by the Planning Commission if the total impervious surface on the site is not increased, and if the intent of the Watershed Management District is not compromised.
(Ord. of 10-6-1998)

Editor's note—Amendment of 10-6-1998 moved purview regarding site plan exceptions to the Planning Commission, rather than the Board, modified section 8C-6-2.1 so as to clarify the applicable date, and added section 8C-6-2.2.

8C-6-3 Building permit exceptions:

In any future case or request for a building permit for a zoned lot of record existing at the time of the adoption of this Article and which contains less than ten (10) acres, the zoning administrator shall have the authority to deviate from the buffering requirements imposed by this Article, upon presentation by the applicant for the permit or the landowner, as the case may be, that the strict application of the buffering requirements will so adversely impact on the applicant or owner so as to prevent the owner from utilizing the property in a reasonable manner. Upon request, the applicant shall present a proposed buffering plan as an alternative to the Code requirements. The zoning administrator may accept this plan or suggest other requirements related to the protection of the watershed. Any decision by the zoning administrator made pursuant to this section may be appealed to the Board of Supervisors, to be treated as it would treat a request made pursuant to Subsection 8C-6-2, above.
(Ord. of 3-3-1992, § 8C-6)

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CULPEPER COUNTY CODE

ARTICLE 8D. AIRPORT SAFETY*

8D-1. Preamble.

8D-1-1 Intent:

This Ordinance is established for the purpose of regulating and restricting the height of structures and objects or natural growth, and otherwise incidentally regulating the use of property in the vicinity of the Culpeper Regional Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties for the purpose of providing for the safety of airport users and those residing in the vicinity of the airport.

8D-1-2 Findings of Fact:

The Ordinance is adopted pursuant to the authority conferred by Chapter 22 of Title 15.2, and specifically to satisfy the requirements of § 15.2-2294 of the Code of Virginia, 1950, as may be amended from time to time. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airport and residents in the County of Culpeper; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is declared:

8D-1-2.1 That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented;

8D-1-2.2 That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports; and

8D-1-2.3 That the County of Culpeper derives economic development and enhanced interstate commerce from the Culpeper Regional Airport when such air-

port and its surrounding vicinity is held strictly to the highest possible safety standards.

8D-2. Definitions.

As used in this Ordinance, the following terms shall have the meanings respectively ascribed to them, unless the context clearly requires otherwise:

8D-2-1 Administrator:

The official charged with the enforcement of this Ordinance. He or she shall be the zoning administrator.

8D-2-2. Airport:

The Culpeper Regional Airport (T.I. Martin Airfield).

8D-2-3 Airport elevation:

The highest point on any usable landing surface expressed in feet above mean sea level.

8D-2-4 Approach surface:

A surface, whose design standards are referenced in section 3 of this Article, longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in Article 4 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

8D-2-5 Approach, transitional, horizontal, and conical zones:

The airspace zones as set forth in section 3 of this Article.

8D-2-6 Conical surface:

A surface, whose design standards are referenced in section 3 of this Article, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

8D-2-7 Hazard to air navigation:

An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

*State code reference—Code of Virginia, 1950, as may be amended from time to time, § 15.2-2294.

8D-2-8 Height:

For the purpose of determining the height limits in all zones set forth in section 4 of this Article and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

8D-2-9 Horizontal surface:

A horizontal plane, whose design standards are referenced in section 3 of this Article, above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

8D-2-10 Nonconforming use:

Any pre-existing structure or object of natural growth which is inconsistent with the provisions of this Ordinance or any amendment to this Ordinance.

8D-2-11 Obstruction:

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in section 4 of this Ordinance.

8D-2-12 Permit:

A document issued by the County of Culpeper allowing a person to begin an activity which may result in any structures or vegetation exceeding the height limitations provided for in this Ordinance.

8D-2-13 Person:

Any individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

8D-2-14 Primary surface:

A surface, whose design standards are referenced in section 3 of this Article, longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

8D-2-15 Runway:

A specified area on an airport prepared for landing and takeoff of aircraft.

8D-2-16 Structure:

Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, towers, poles, and electric lines of overhead transmission routes, flagpoles, and ship masts.

8D-2-17 Transitional surfaces:

Surfaces, whose design standards are referenced in section 3 of this Article, which extend outward perpendicular to the runway centerline sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

8D-2-18 Vegetation:

Any object of natural growth.

8D-2-19 Zone:

All areas provided for in section 3 of this Article, generally described in three (3) dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Article 4 of this Ordinance.

8D-3. Airport Safety Zones.

8D-3-1 Establishment of Zones:

In order to carry out the provisions of this Ordinance, there are hereby established certain zones which include all of the area and airspace of the County of Culpeper lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Culpeper Regional Airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in sections 4 and 5 of this Article. An area located in more than one (1) of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

8D-3-1.1 Approach zone: Slopes 34 feet outward for each foot upward beginning

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at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

8D-3-1.2 Transitional zone: Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 313 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

8D-3-1.3 Horizontal zone: Established at 150 feet above the airport elevation or at a height of 463 feet above mean sea level.

8D-3-1.4 Conical zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

8D-3-2 Source and design standards:

The source and the specific geometric design standards for these zones are depicted on the Culpeper Regional Airport Airspace Protection Zone (Part 77 Surface dated May 15, 1995 which is attached as an exhibit to this Ordinance and incorporated in this Ordinance by reference and attachment. Said map is based upon the standards required by Part 77.25, 77.28, and 77.29, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations.

8D-4. Airport Safety Zone Height Limitations.

8D-4-1 Nothing to exceed height restrictions:

Except as otherwise provided in this Ordinance, in any zone created by this Ordinance no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any refer-

enced surface, also known as the floor, of any zone provided for in section 3 of this Article at any point.

8D-4-2 Surface planes as height restrictions:

The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in the Culpeper Regional Airport Airspace Protection Zone (Part 77 Surface). This Article shall be amended from time to time if such amendment is necessitated by successor federal regulations.

8D-4-3 Notice of proposed construction or alteration:

The Federal Aviation Administration requires notice of certain proposed construction or alteration, as prescribed in Part 77, section 77.13 of Title 14 of the Code of Federal Regulations. No construction of towers, mono-poles, or other similarly tall structures that would violate the zones of this Ordinance shall commence within twenty thousand (20,000) feet of the runway until FAA Form 7460-1 has been completed and reviewed by the FAA.

8D-5. Use Restrictions.

8D-5-1 Restrictions:

Notwithstanding any other provision of this Article, and within the area below the horizontal limits of any zone established by this Ordinance, no use may be made of land or water in such a manner as to:

8D-5-1.1 Create electrical interference with navigational signals or radio communication between the airport and aircraft;

8D-5-1.2 Diminish the ability of pilots to distinguish between airport lights and other lights;

8D-5-1.3 Result in glare in the eyes of pilots using the airport;

8D-5-1.4 Impair visibility in the vicinity of the airport;

8D-5-1.5 Create the potential for bird strike hazards; or

8D-5-1.6 Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft in the vicinity of and intending to use the airport.

8D-6. Nonconforming Uses.

8D-6-1 Exceptions:

Except as provided in sections 8D-6-2 and 8D-7-2 of this Article, the regulations prescribed by this Ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this Ordinance shall be construed to require the relocation of any nonconforming state maintained road. Nothing contained in this Ordinance shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

8D-6-2 Markers and lights:

Notwithstanding the provisions of section 8D-6-1, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

8D-7. Permits and Variances.

8D-7-1 Permits required:

Except as provided in sections 8D-7-1, 8D-7-2, and 8D-7-3 of this Article, no structure shall be erected or otherwise established in any zone created by this Ordinance unless a permit therefore shall have been applied for and granted. Each application for a permit shall

indicate the purpose for which it is desired and provide sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this Ordinance. No permit for a structure inconsistent with this Ordinance shall be granted unless a variance has been approved as provided in section 8D-7-4.

8D-7-2 Permits not granted for hazardous construction:

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto other than with relief as provided for in section 8D-7-4.

8D-7-3 Restoration of damaged buildings:

Whenever the administrator determines that a non-conforming structure has been abandoned or more than seventy-five percent (75%) destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this Article, except with the relief as provided for in Article 12-1-4 of the Zoning Ordinance.

8D-7-4 Variances:

Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this Ordinance may apply for a variance from such regulations to the Board of zoning appeals. Prior to being considered by the Board of zoning appeals the application for variance shall be accompanied by a determination from the Virginia Department of Aviation and the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. The Board of zoning appeals shall be required to act on any application for a variance within one hundred twenty (120) days of

the receipt of such application, regardless of whether or not state and federal determinations have been received.

8D-7-5 Variance conditions:

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, Virginia Department of Aviation, or the Administrator.

8D-7-6 Application forms:

Applications for permits and variances shall be made on forms available from the Administrator, with such forms allowing for enough specific detail such that proper analysis can be given the request.

8D-7-7 No variance required for certain uses:

No variance shall be required for any construction or alteration which is adjacent to and shadowed by an existing nonconforming use, which shall be no higher than the existing adjacent nonconforming use. The zoning administrator shall determine whether a proposed use meets the requirements of this section and is thereby exempt from the requirement for a variance. The zoning administrator's determination shall be made in writing and shall be appealable to the Board of zoning appeals in accordance with the applicable provisions of the Virginia Code. In making such determination, the zoning administrator shall consult with the Federal Aviation Administration and with the Virginia Department of Aviation. For the purpose of this Article, "shadowed" shall mean that at some point during the day, during any part of the year, the proposed new construction shall fall within the shadow of the existing structures or vegetation.

8D-7-8 Exceptions:

Because of existing ground elevations in relation to the elevation of the Airport, and because of location outside of the approach and transitional surfaces, the high ground portions of the

following parcels of land, and subsequent subdivisions thereof, shall be exempt from the height restrictions of this Article. For the purpose of this Article, "high ground" shall be defined as that area where the existing ground elevation of such parcels as shown on the Brandy Station, Virginia U.S.G.S. Topographical Map is greater than four hundred (400) M.S.L. Instead, these parcels shall be subject only to those height restrictions imposed by the underlying zoning and proffers, if any.

Culpeper County Tax Map Parcels:

23-10	33-82
23-11	33-84
33-1	33-86
33-2	33-87
33-3	33-88
33-4	

8D-8. Enforcement.

8D-8-1 Power of zoning administrator:

The Administrator shall administer and enforce the regulations prescribed in this Article. He or she shall be vested with the police power incumbent to carry out and effectuate this Article. Any violation or attempted violation of this Article may be restrained, corrected, or abated as the case may be by injunction or other appropriate proceeding as may be permitted in equity or at law.

8D-8-2 Violations and Penalties:

Any violation of this Article shall be unlawful and shall constitute a misdemeanor punishable in accordance with the provisions of sections 23-2 and 23-3 of the Culpeper County Zoning Ordinance.

State Code Reference—Code of Virginia, 1950, as may be amended from time to time, §§ 15.2-2286.4, 15.2-2286.5, and 15.2-2208.

8D-9. Appeals.

Any person aggrieved, or any officer, department or board, affected by a decision of the Administrator may appeal such decision to the Board of zoning appeals.

8D-10. Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same subject, where the conflict is with respect to the height of structures of vegetation and the use of land, or any other matter, the more stringent limitation or requirement shall govern.

8D-11. Severability.

Should any portion or provision of this Ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the Ordinance as a whole, or any part of the Ordinance other than the part held to be unconstitutional or invalid.

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CULPEPER COUNTY CODE

**ARTICLE 8E. AGRICULTURAL AND
FORESTAL DISTRICTS**

8E-1. Purpose.

8E-1-1 Intent:

It is the intent of this Article to conserve and protect and to encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also County policy to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces, for clean airsheds, watershed protection, wildlife habitat, as well as for aesthetic purposes. It is the purpose of this Article to provide a means by which agricultural and forestal land may be protected and enhanced as a viable segment of the County's economy and as an economic and environmental resource of major importance. As such, this Article is intended to ensure that agricultural and forestal districts are taken into account in the consideration of any decisions which would potentially impact agricultural and forestal lands.

8E-2. Definitions.

For the purposes of this Article:

8E-2-1 Advisory Committee:

The Agricultural and Forestal District Advisory Committee as appointed by the Board of Supervisors of Culpeper County.

8E-2-2 Agricultural and Forestal District:

Any property enrolled in such a district as prescribed in § 15.2-4305 of the Code of Virginia and as recognized by the County of Culpeper.

8E-2-3 Buffer:

An area inside of the boundaries of a property running parallel to the property lines which must be left free of any structures, principal or accessory.

8E-2-4 Buffer, undisturbed:

A buffer as defined above, but which shall be left in its natural vegetative state and which

shall be free of any improvements including roads. However, fences, berms, and additional or replacement vegetation shall be permitted within an undisturbed buffer.

8E-3. Advisory Committee.

8E-3-1 Establishment; purpose:

The Advisory Committee is established by the Board of Supervisors in accordance with § 15.2-4304 of the Code of Virginia. The Committee shall advise the Board of Supervisors and the Planning Commission in relation to the proposed establishment, modification, and termination of agricultural and forestal districts. The Committee input shall provide expert advice relating to the desirability of the proposed action, including advice as to the nature of farming and forestry within the proposed district or addition and the relation of such activities in the proposed district or addition to the entire County.

In addition to advising the Planning Commission and the Board of Supervisors with regard to the establishment, modification, and termination of agricultural and forestal districts, the Advisory Committee shall make recommendations regarding the impact of non-agricultural land uses on adjacent land which is in an agricultural and forestal district. The Planning Commission and/or Board may seek such advice by special referral of land use applications to the Advisory Committee, or as required by this Article.

**8E-4. Application of this Article to Land Uses
Adjacent to Agricultural/Forestal Dis-
tricts.**

8E-4-1 When applicable:

The provisions of this Article shall be applicable whenever any land use application is submitted for property which is adjacent to land in an agricultural and forestal district, or separated only by a body of water or a public or private road or highway.

8E-5. Concerns to be taken into account in conjunction with Adjacent Land Use Applications.

8E-5-1 Impact:

The land use application shall be approved or denied only after the impact on the adjacent agricultural and forestal district has been taken into consideration. In considering such impact, at least the following concerns shall be taken into account:

8E-5-1.1 Development of agricultural and forestal lands;

8E-5-1.2 Protection and preservation of clean air sheds;

8E-5-1.3 Protection and preservation of watersheds;

8E-5-1.4 Protection and preservation of wildlife habitats;

8E-5-1.5 Protection and preservation of the aesthetics of an agrarian community;

8E-5-1.6 Protection and enhancement of agriculture and forestry as viable segments of the economy;

8E-5-1.7 Protection and enhancement of agriculture and forestry as environmental resources; and

8E-5-1.8 The purposes of this Article.

8E-6. Mandatory and Discretionary Referrals to the Advisory Committee.

8E-6-1 Mandatory Referrals:

The following land use applications shall be approved or denied only after the Advisory Committee has considered the impact of the land use on the district:

8E-6-1.1 Minor subdivisions as defined in the Culpeper County Subdivision Ordinance.

8E-6-1.2 Major subdivisions as defined in Culpeper County Subdivision Ordinance.

8E-6-1.3 Official amendments to the Culpeper County Zoning Map.

8E-6-2 Discretionary Referrals:

The following land use applications may be referred to the Advisory Committee for consideration of the impacts upon the district at the discretion of either the Board of Supervisors, the Planning Commission, or at the discretion of the zoning administrator:

8E-6-2.1 Use permits governed by Article 17 of this Ordinance.

8E-6-2.2 Comprehensive Plan amendments.

8E-6-2.3 Site Plans as per Article 20 of this Ordinance.

8E-6-2.4 Variances.

8E-6-2.5 Other land use, zoning or planning applications.

In any event, the zoning administrator, Planning Commission, Planning Director, board of zoning appeals, Board of Supervisors or other County official making a decision which is subject to this ordinance shall take into account the adjacent agricultural and forestal district.

8E-7. Buffer Requirements and Other Protection Measures.

8E-7-1 Power/Role of the Advisory Committee:

The Advisory Committee may recommend that buffers and/or other protection measures be incorporated into the proposed adjacent land use.

8E-7-2 Consideration of Impact on Land Use:

The Advisory Committee, in making recommendation for any buffer or other protection measure, shall clearly state the reasons for such recommendation and indicate how the buffer or other protective measure will serve the purposes of this Article. In making a recommendation that includes buffers, the Advisory Committee shall take into account the size of the buffer and the impact upon the property which is subject to the land use application to insure that such property maintains viability for the uses deemed appropriate.

8E-7-2.1 Minor Subdivisions: Buffers and protection measures recommended by the

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Advisory Committee for minor subdivisions shall be forwarded to the zoning administrator, who shall have authority to determine what shall be required, provided that if the applicant objects to the buffer or other protection measure on the grounds that it is so onerous as to make the property unusable for the desired purpose or creates an unnecessary burden of cost, then the applicant may appeal to the Board of zoning appeals.

8E-7-2.2 Major Subdivisions, Use Permits, and Rezoning: Buffers and protection measures recommended by the Advisory Committee for major subdivisions, use permits, and rezoning applications shall be sent forward for further consideration by the Planning Commission and finally, by the Board of Supervisors. The Board of Supervisors shall have the final authority to impose any such buffers or protection measures.

8E-7-2.3 Site Plans: When considering site plans, the Planning Commission may impose buffers or other protection measures according to the provisions of this Article.

8E-7-2.4 Other Land Use Decisions: Any official(s) making a land use decision shall take into account any adjacent agricultural and forestal district.

8E-7-3 Maximum Buffer Sites:

The following table shall serve as a guideline for requiring buffers. The table indicates the maximum buffer which can be required. Smaller buffers may be specified where appropriate.

Type of Application	Minimum size of lots being created	Maximum Buffer which can be required	
Minor Sub-division	N/A	200 feet	
Major Sub-division	N/A	300 feet	
Rezoning and Use Permit	Size of Parcel on which rezoning or use permit is proposed	Rezoning to Residential	Rezoning to Commercial/Industrial and Use Permits

Type of Application	Minimum size of lots being created	Maximum Buffer which can be required	
	0-10 acres	200 feet	200 feet
	11-25 acres	250 feet	200 feet
	26-50 acres	300 feet	250 feet
	50+ acres	350 feet	250 feet

8E-7-4 Other Protection Measures:

As an alternative to buffers, or as an additional requirement, the following may be imposed as a means of serving the purposes of this Article.

- 8E-7-4.1 Fences;*
- 8E-7-4.2 Berms;*
- 8E-7-4.3 Landscaping;*
- 8E-7-4.4 Covenants and Easements;*
- 8E-7-4.5 Denial of Application.*

8E-7-5 Where buffers may be imposed:

Buffers and protection measures may be imposed only on the property of the applicant and only along those boundary or property lines which are shared by property in which an agricultural and forestal district is adjacent, or separated only by a body of water or a public or private road or highway.

8E-7-6 Covenants and easements:

Where covenants or easements are recorded which ensure that a buffer remain undisturbed, or where the buffer is enhanced by additional landscaping, fencing, or berming, the Advisory Committee shall take such enhancement into account and may reduce the required buffer accordingly.

8E-8. Disposition of buffers following withdrawal of property from or termination of an Agricultural and Forestal District.

8E-8-1 Buffers to outlast district:

Any buffer imposed upon a property as a result of its adjacency to an agricultural and forestal district shall remain in effect even after the agricultural and forestal district ceases to exist. A required buffer may become null and void

only after the adjoining property in the agricultural and forestal district is withdrawn from such district and is subsequently rezoned to a higher zoning classification or is subject to a major subdivision. In order to make a buffer null and void, the owner of the property subject to the buffer must request that the zoning administrator verify that the conditions in this section have occurred and if they have, the owner must record a plat which indicates the removal of the buffer. Approval of such plat by the zoning administrator shall be required prior to recordation.

8E-9. Creation of Districts/Additions to Districts.

8E-9-1 Requirements for creation of district:

Any owner or owners of land may submit an application to the Board of Supervisors for the creation of a district within Culpeper County. Any application must be submitted no later than November 1st of each calendar year. Each district shall have a core of no less than two hundred (200) acres in one (1) parcel or in contiguous parcels. A parcel not part of the core may be included in such district if the nearest boundary of such parcel is within one (1) mile of the boundary of the core, or if it is contiguous to a parcel in the district the nearest boundary of which is within one (1) mile of the boundary of the core. No land shall be included in any district without the signature on such application, or the written approval of all owners thereof.

(Ord. of 12-1-1998)

Editor's note—Ord. of 12-1-1998 added the November 1st deadline to this section.

8E-9-2 Application process:

Upon the receipt of an application for a district or for an addition to an existing district, the Board of Supervisors shall refer such application to the Planning Commission which shall:

8E-9-2.1 Provide notice of such application by publishing a notice in a newspaper having general circulation within the district and by providing for the posting of such notice in five (5) conspicuous places within the district. In addition, the adja-

cent property owners as shown on the maps of Culpeper County used for tax assessment purposes shall be notified by first-class mail. The notice shall contain:

- a. A statement that an application for a district or an addition to a district has been filed with the Board of Supervisors and referred to the Planning Commission pursuant to this Article;
- b. A statement that the application will be on file open to public inspection in the department of development;
- c. Where applicable, a statement that any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the Planning Commission within thirty (30) days of the date that the notice is first published;
- d. A statement that any owner of additional qualifying land may join the application within thirty (30) days from the date that the notice is first published, or, with the consent of the Board of Supervisors, at any time before the public hearing that the Board of Supervisors must hold on the application;
- e. A statement that any owner who joined in the application may withdraw his/her land, in whole or in part, by written notice filed with the Board of Supervisors, at any time before the Board of Supervisors acts pursuant to § 15.2-4309 of the Code of Virginia and Article 8E-9-2.4 of the Culpeper County Code;
- f. A statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this Article;
- g. A statement that the application and proposed modifications will be submitted to the Advisory Committee; and

- h. A statement that, upon receipt of the report of the Advisory Committee, a public hearing will be held by the Planning Commission on the application and any proposed modifications.

(Ord. of 12-1-1998)

Editor's note—Amendment of 12-1-1998 added Subsections a. through h. to this section 8E-9-2.1

8E-9-2.2 Refer such application and proposed modifications to the Advisory Committee, which shall review and make its recommendations concerning the application and proposed modifications to the Planning Commission.

(Ord. of 12-1-1998)

Editor's note—Amendment of 12-1-1998 removed references to time periods and modified the language of this section.

8E-9-2.3 Hold a public hearing as prescribed by law and report its recommendations to the Board of Supervisors, including, but not limited to, the potential effect of the district and proposed modifications upon planning policies and objectives. Prior to conducting the public hearing and making recommendations, the Planning Commission shall publish a notice describing the district or addition, any proposed modifications and any recommendations of the Planning Commission and the Advisory Committee in a newspaper having a general circulation within the district and send notice by first class mail to those political subdivisions and adjacent property owners.

(Ord. of 12-1-1998)

Editor's note—Amendment of 12-1-1998 removed references to time periods and modified the language of this section.

8E-9-2.4 The Board of Supervisors, after receiving the report of the Planning Commission and the Advisory Committee, shall give proper public notice and notification to landowners as provided by § 15.2-4309 of the Code of Virginia, hold a public hearing as provided by law, and after such public hearing, may by ordinance create the district or add land to an existing district as applied for, or with any modi-

fications it deems appropriate. Every district created hereunder shall have a core of no less than two hundred (200) acres in one (1) parcel or in contiguous parcels. The Board of Supervisors must take action on an application no later than May 1st of the year following the year of application.

(Ord. of 12-1-1998)

Editor's note—Amendment of 12-1-1998 added the phrase "give proper public notice and notification to landowners as provided by § 15.2-4309 of the Code of Virginia" to the first sentence, and specified that creation of or addition to districts shall be done by ordinance. The amendment also added the last sentence of this section.

8E-10. Criteria for Districts.

8E-10-1 Considerations:

Land being considered for inclusion in a district may be evaluated by the Advisory Committee and the Planning Commission through the Virginia Land Evaluation and Site Assessment (LESA) System. The following factors should be considered by the Planning Commission and the Advisory Committee, and at any public hearing when an application that has been filed is being considered:

8E-10-1.1 The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;

8E-10-1.2 The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;

8E-10-1.3 The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;

8E-10-1.4 Local developmental patterns and needs;

8E-10-1.5 The Comprehensive Plan and, if applicable, the zoning regulations;

8E-10-1.6 The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and

8E-10-1.7 Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

8E-11. Review of Districts.

8E-11-1 Review time period:

Agricultural and Forestal Districts shall be reviewed every eight (8) years. Review of any District should start at least ninety (90) days prior to the expiration of the eight (8) year period.

(Ord. of 12-1-1998)

Editor's note—Amendment of 12-1-1998 changed the start time from one hundred twenty (120) days prior to the expiration of the eight-year period to ninety (90) days prior.

8E-11-2 Recommendations:

The Board of Supervisors shall seek recommendations from the Planning Commission and the Advisory Committee in conjunction with such reviews.

8E-11-3 Advertisement and notification:

The Planning Commission shall schedule as part of the review a public meeting with the landowners, and shall send by first-class mail a written notice of the meeting and review to all owners of land within the district. The notice shall state the time and place for such meeting; that the district is being reviewed and may be continued, modified, or terminated; and that land may be withdrawn from the district at the owner's discretion by filing a written notice with the Board of Supervisors at any time before such body acts to continue, modify or terminate the district. The Board of Supervisors shall hold a public hearing as provided by law.

(Ord. of 5-6-1997)

Editor's note—Ordinance of 5-6-1997 amended this section to conform to state law.

8E-11-4 Actions following review:

Following review of any district, the Board may, by ordinance, continue, modify, or terminate the District. Whenever a district is reviewed, land may be withdrawn at the owner's discretion by filing a written notice to the Board of Supervisors prior to Board action regarding the district. Failure to submit written notice to withdraw in a timely manner will result in continuation of the district unless the Board excludes property through modification or termination of the district.

The Board of Supervisors may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least two (2) weeks prior to adoption of the ordinance continuing the district.

(Ords. of 5-6-1997; 12-1-1998)

Editor's note—Amendment of 5-6-1997 amended this section to conform to state law. Amendment of 12-1-1998 added the words "by ordinance" in the first sentence of the first paragraph.

8E-11-5 Repealed.

Editor's note—Former § 8E-11-5 dealt with discretionary review and was repealed.

(Ord. of 8-5-1997)

8E-12. Withdrawal from Districts.

8E-12-1 At owners request:

At any time after the creation of a district, any owner of land lying within the district may file a written request with the Board of Supervisors to withdraw all or part of such land from the district for good and reasonable cause. The Board of Supervisors shall refer the request to the Planning Commission and the Advisory Committee for their recommendations. Public hearings shall be held by both the Planning Commission and the Board of Supervisors.

8E-12-2 Upon death of owner:

Upon the death of a property owner, any heir, devisee, surviving tenant in common, or the personal representative of the sole owner of any fee simple interest in land lying within the district shall, as a matter or right, be entitled to withdraw such land from the district upon the inheritance or descent of such land provided that such heir, devisee, personal representative, or surviving tenant in common files written notice of withdrawal with the Board of Supervisors and the Commissioner of the Revenue within two (2) years of the date of death.

8E-13. Development of Property in Districts.

8E-13-1 More intensive uses prohibited without Board approval:

Any parcel within an Agricultural and Forestal District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains within the district. Construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operations on the same property, or for members of the immediate family of the owner, and divisions of parcels for such family members, shall not be prohibited as a more intensive use. All other types of subdivision shall be considered a more intensive use unless the division results only in parcels greater than fifty (50) acres in size.

8E-13-2 Acquisition of land within Districts by agencies of the Commonwealth of Virginia or any political subdivision.

8E-13-2.1 At Acquiring Party's Request:

Pursuant to section 15.2-4313(A) of the Code of Virginia, any agency of the Commonwealth or any political subdivision which intends to acquire land or any interest therein by means other than by gift, devise, bequest or grant, or any public service corporation which intends to: (a) acquire land or any interest therein for public utility facilities not subject to approval by the State Corporation Commission, pro-

vided that the proposed acquisition in a Culpeper County agricultural and forestry district is in excess of one (1) acre from any one (1) farm or forestry operation, or in excess of ten (10) acres total within the district, or (b) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities or water or sewer facilities to serve nonfarm structures shall comply with the following:

8E-13-2.1-1 Notify the Board of Supervisors of Culpeper County and all of the owners of land within the district at least ninety (90) days prior to taking any such action. Notice to the landowners shall be sent first class or registered mail and shall state that further information on the proposed action is on file with the Board of Supervisors.

8E-13-2.1-2 As part of such notification to the Board of Supervisors, provide specific information regarding the following:

- a. A map detailing the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve non-farm structures are to be constructed.
- b. An evaluation of anticipated short-term and long-term impacts that the action might have on agriculture and forestry, agricultural and forestal resources, and agricultural and forestal policy, including but not limited to:
 - 1) How such impacts are proposed to be minimized.
 - 2) Approximately how much crop and pasture land will be taken out of production? What timber species are impacted and what is their estimated commercial value?
 - 3) What other alternatives to the proposed action have been looked at, and why was the proposed action chosen as the best alternative? Provide ap-

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- proximate financial, and general environmental comparisons.
- 4) An evaluation of any alternatives which would not require action within the district.
- c. The necessity of the action to provide service to the public in the most economical and practicable manner, including but not limited to:
- 1) Describe the project in detail, including a breakdown of phases, or potential future phases, if any.
 - 2) Give an approximate projection of the construction timetable.
 - 3) Describe the costs (by phase, if applicable) and indicate potential funding sources.
 - 4) What are the local, regional, and national benefits to be derived from the proposed project. Include items such as traffic flow and safety, enhancement, and any other positive benefits which might be derived.
 - 5) What businesses and/or residents will be displaced by the project, if any?
 - 6) All other reasons for the proposed action.

8E-13-2.1-3 The information required in section 8E-13-2.1-2 above shall be provided in the form of a written report and visual aids such as maps, charts, or photographs. Twenty (20) copies of all information shall be submitted.

8E-13-2.2 Review of Acquisition:

8E-13-2.2-1 Upon receipt of a notice filed pursuant to 8E-13-2.1, the Board of Supervisors, in consultation with the Planning Commission and the Advisory Committee, shall review the proposed action and make written findings as to:

- a. The effect the action would have upon the preservation and enhance-

ment of agriculture and forestry and agricultural and forestal resources within the district;

- b. The necessity of the proposed action to provide service to the public in the most economical and practical manner; and
- c. Whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district.

8E-13-2.1-2 If the Board of Supervisors finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall (i) issue an order within ninety (90) days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of one hundred fifty (150) days from the date the notice was filed; and (ii) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the Board of Supervisors usually meets or at a place otherwise easily accessible to the district. The Board of Supervisors shall publish notice in a newspaper having a general circulation within the district, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the 150 day period, the Board of Supervisors shall issue a final order on the proposed action. Unless the Board of Supervisors, by an affirmative vote of a majority of the members elected to it, determines that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action. If

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the agency, corporation or political subdivision is aggrieved by the final order of the Board of Supervisors, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the State Corporation Commission, an appeal shall be to the State Corporation Commission.

(Ords. of 5-6-1997; 12-1-1998)

Editor's note—Amendment of 5-6-1997 adopted this section to require information be provided to the Board of Supervisors along with a notice of an intended acquisition in an Agricultural and Forestal District. Amendment of 12-1-1998 revised Subsection 8E-13-2.1 substantially and added Subsection 8E-13-2.2 to bring this Article into conformance with state law.

8E-14. Compliance with the Code of Virginia.

8E-14-1 Compliance:

Notwithstanding the provisions of this Article, all actions pertaining to agricultural and forestal districts shall be in compliance with Chapter 43 of Title 15.2 of the Code of Virginia, as may be amended from time to time.

ARTICLE 8F. PLANNED BUSINESS DEVELOPMENT DISTRICT (PBD)

8F-1. Purpose.

8F-1-1 Intent:

The intent of the Planned Business Development (PBD) District is to promote the efficient use of commercial/industrial land by allowing a range of land uses and densities and the flexible application of development controls. This may be accomplished while also protecting surrounding property, the natural features and scenic beauty of the land.

The Planned Business Development district is provided in recognition that many commercial, office and light industrial establishments seek to develop within unified areas, usually under single ownership or control. Because these concentrations of retail, service, office, and industrial establishments are generally stable and offer unified internal arrangement and development, potentially detrimental design effects can be recognized and addressed during the review of the development. For these reasons, the provisions for the PBD allow greater development latitude. Districts should be proposed and planned for areas that provide for adequate development and expansion space, controlled access points, landscaped parking areas and public utilities. Development of the PBD will take place in general accordance with an approved Master Plan, which may allow for clustering of uses and densities in various areas of the site.

Planned Business Development districts should be a visual asset to the community. Buildings within the district are to be architecturally complementary and the relationship among individual establishments should be harmonious. The site should be well landscaped and parking and loading areas are to be screened.

8F-2. Permitted Uses.

8F-2-1 Permitted Uses:

All of the light industrial, office and commercial use types listed in Articles 6.1B, Village Center (VC); 6.1C, Commercial Services (CS);

6.1D, Office District (OC); 6.1E, Shopping Center (SC); and 7.1A Light Industrial (LI) of this ordinance are permitted in the PBD except residential use types. Light industrial use as permitted in Article 7.1A shall comprise a minimum of thirty percent (30%) of the gross square footage in the PBD. No use shall be permitted except in the conformity with the uses specifically included in the final Master Plan approved pursuant to section 8F-6.

8F-3. Site Development Regulations.

8F-3-1 Standards:

Each Planned Business Development shall be subject to the following site development standards.

8F-3-1.1 Minimum district size: fifty (50) acres of contiguous land. Properties separated by a secondary road or stream shall be considered contiguous for the purposes of this Article.

8F-3-1.2 Minimum front setbacks: All structures proposed to front on existing public streets external to the PBD shall be located a minimum of thirty (30) feet from the existing public right-of-way.

8F-3-1.3 Lots in the PBD district shall comply with the yard requirements set forth in the district regulations referred to in 8F-2-1.

8F-3-1.4 Lot coverage:

- a. More than one (1) principal structure may be placed on a lot.
- b. Maximum lot coverage shall be determined through the preliminary development plan process but in no case shall exceed fifty percent (50%).

8F-3-1.5 Public streets in the PBD district shall be built in accordance with VDOT standards. If the location of a land use type is amended as permitted in 8F-6-4.5, the road standards required may be increased or decreased as necessary. In reviewing the PBD preliminary master plan, the commission may recommend, and the Board may approve, one (1) or more private streets within the proposed district.

Private street standards, specifications and a proposed maintenance agreement shall be submitted with the preliminary Master Plan.

8F-3-1.6 The applicants may propose a reduction to the number of parking spaces required by this ordinance for each use type, if justified. This proposal will be reviewed with consideration given to potential future uses of the site, parking demand and expansion potential.

8F-3-1.7 Maximum height of structures: Forty-five (45) feet, including rooftop mechanical equipment. The maximum height may be increased provided each required yard (side, rear, or buffer) is increased five (5) feet for each one (1) foot in height over forty-five (45) feet. In no case shall the maximum height exceed sixty (60) feet.

8F-3-1.8 Central water and sewer service shall be utilized. Drainfields and individual wells will not be permitted in the PBD district.

8F-3-1.9 Utilities shall be placed underground.

8F-4. Site Development Recommendations.

8F-4-1 Physical Character Shall Be Considered:

The Planned Business Development district should be designed and developed to be a visual asset to the community of Culpeper County. Since the relationship of the development to the community and the prospects for economic success of the project have much to do with the physical character of the development, these factors shall be considered in reviewing a Planned Business District application. For this reason the following site development recommendations are made.

8F-4-1.1 The principal entrance into the PBD district should be sufficiently landscaped to comply with the purposes of this district. In addition, the first one hundred (100) linear feet of street, leading through this principal entrance into the PBD,

should have a landscaped median of sufficient width and planting density to meet the purposes of this district.

8F-4-1.2 Parking within the PBD should be located to the side or rear of the principal structures on the lot, wherever feasible. During review, consideration will be given to topographical constraints, innovative site design, buffering and landscaping factors.

8F-5. Relationship to Existing Development.

8F-5-1 Applicable Zoning Regulations:

All zoning regulations applicable from the zoning districts set forth in section 8F-2-1 shall apply to the development of the PBD district, unless modified herein, or by the Board of Supervisors in the approval of the final Master Plan.

8F-6. Application Process.

8F-6-1 Time Frame:

Notwithstanding the time frames outlined in this section, the maximum time frames permitted shall be those mandated by the Code of Virginia. Culpeper County will make every reasonable effort to complete the application process within a shorter time frame.

8F-6-2 Meeting to Discuss Application Requirements:

Prior to submitting a formal application for review and approval under these provisions, the applicant and County staff shall meet to discuss the requirements of this section. The purpose of the meeting is to obtain a mutual understanding of the application requirements and process. The applicant is encouraged to submit information on the scope and nature of the proposal to allow staff to become familiar with the proposal in advance of this meeting.

8F-6-3 Application to Constitute Amendment to Zoning Ordinance:

Any application to rezone land to the PBD designation, shall constitute an amendment to the zoning ordinance pursuant to Article 22. The written and graphic information submit-

ted by the applicant as part of the application process shall constitute proffers pursuant to Article 29 of this ordinance and shall be submitted in a proffer form which complies with Article 29. Once the Board of Supervisors has approved the final Master Plan, all accepted proffers shall constitute conditions pursuant to Article 29.

8F-6-4 Applicant Shall Complete Rezoning Application Packet:

To initiate an amendment, the applicant shall complete a rezoning application packet. This information shall be accompanied by graphic and written information, which shall constitute a preliminary Master Plan. All information submitted shall be of sufficient clarity and scale to clearly and accurately identify the location, nature, and character of the proposed district. At a minimum this information shall include:

8F-6-4.1 A legal description and plat showing the site boundaries, and existing street lines, lot lines, and easements.

8F-6-4.2 Existing zoning, land use and ownership of each parcel proposed for the district.

8F-6-4.3 A general statement of planning objectives to be achieved by the PBD district, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives towards any specific human-made and natural characteristics located on the site.

8F-6-4.4 A description and analysis of existing site conditions, including information on topography, historic resources, natural water courses, floodplains, unique natural features, tree cover areas, known archeological resources, etc.

8F-6-4.5 The proposed conceptual location of each land use type of the proposed development. These designations shall be flexible, however site plan approval of a use which is located in an area for which it was not planned shall be contingent

upon receipt of a revised Master Plan which reflects the change, and which is acceptable to the Planning Commission or the zoning administrator.

8F-6-4.6 The gross square footage for each use type proposed in the PBD.

8F-6-4.7 The proposed size, location and use of other portions of the tract, including landscaping and parking.

8F-6-4.8 A traffic circulation plan, including the location of access drives, parking and loading facilities, pedestrian walks and the relationship to existing and proposed external streets and traffic patterns. General information on the trip generation, ownership, maintenance and proposed construction standards for these facilities should be included. A Traffic Impact Analysis may be required by the zoning administrator.

8F-6-4.9 If a reduction to the number of parking spaces is requested, a justification for this request shall be submitted. Based on adequate justification, the commission may recommend, and the Board may approve such a reduction.

8F-6-4.10 The proposed schedule of site development. At a minimum, the schedule should include an approximate commencement date for construction and a proposed build-out period.

8F-6-4.11 Generalized statements pertaining to architectural design principles and guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, signage plans, landscaping, etc.

8F-6-4.12 Signage in the proposed PBD shall be in accordance with this ordinance, or an alternative signage plan specifically for the PBD may be submitted concurrently, or separately. Such an alternative plan shall be reviewed by the Planning Commission for a recommendation and then shall be approved or denied by the Board of Supervisors.

8F-6-5 Planning Commission to Review Applications:

The completed rezoning application and supporting preliminary Master Plan materials shall be submitted to the Planning Commission for review and analysis. The commission shall review this information and make a report of its findings to the Board of Supervisors. The commission shall as part of its review hold a public hearing pursuant to section 15.2-2204 of the Code of Virginia, as amended. The proposed district shall be posted with signs indicating the date and time of the commission public hearing.

8F-6-6 Commission to Make Report:

The commission shall make a report of its findings to the Board of Supervisors within one hundred (100) days after the first meeting of the commission at which the application may be considered, unless the applicant requests or agrees to a delay or postponement in the commission's action, or requests or agrees to an extension of this time frame. The commission's report shall recommend approval, approval with modifications, or disapproval of the PBD and accompanying preliminary Master Plan. Failure of the commission to make a report of its findings to the Board of Supervisors within this period shall constitute a Commission recommendation of approval.

8F-6-7 Modifications to Preliminary Master Plan:

If the commission recommends denial of the preliminary Master Plan, or approval with modification, the applicant shall, if requested in writing, have sixty (60) days to make any modifications. If the applicant desires to make any modifications to the preliminary Master Plan, the Board of Supervisors' review and action shall be delayed until such changes are made and submitted for review.

8F-6-8 Board of Supervisors to Hold Hearing:

The Board of Supervisors shall review the PBD application and preliminary Master Plan, and after holding a public hearing act to approve or deny the plan within ninety (90) days after such hearing. Approval of the preliminary Mas-

ter Plan shall constitute acceptance of the plan's provisions and concepts as proffers pursuant to Article 29 of this ordinance. The Plan approved by the Board of Supervisors shall constitute the final Master Plan for the PBD. Once approved by the Board of Supervisors, the zoning administrator shall authorize the revisions to the official zoning map to indicate the establishment of the PBD district.

8F-7. Revisions to Final Master Plan.

8F-7-1 Major Revisions:

Major revisions to the final Master Plan shall be reviewed and approved following the procedures and requirements of 8F-6. Major revisions include, but are not limited to changes such as:

8F-7-1.1 Any significant increase in the density of the development;

8F-7-1.2 Substantial change in circulation or access;

8F-7-1.3 Substantial changes in the mixture of land uses (substantial shall be any increase or decrease in floor area of a particular land use type of more than forty percent (40%)).

8F-7-1.4 Any other change that the zoning administrator finds is a major divergence from the approved final Master Plan.

8F-7-2 Minor Amendments:

All other changes in the final Master Plan shall be considered minor amendments. Minor amendments may be approved by the zoning administrator or Planning Commission as part of the site plan review process for the site plan submittal which proposes to implement such a change.

8F-8. Approval of Preliminary and Final Site Development Plans.

8F-8-1 Site Development Plans:

Following the approval of the final Master Plan, the applicant or its authorized agent, shall be required to submit site development plans for approval. Site plans for any phase or

component of the PBD that involves the construction of structures or facilities, shall be approved prior to the issuance of a building and zoning permit, and the commencement of construction. Standards for site plans are found in Article 20 of this ordinance.

8F-8-2 Independent Subdivision Review:

It is the intent of this section that subdivision review within a PBD be carried out independently, under the regulations set forth in the Subdivision Ordinance.

8F-9. Failure to Begin Development

8F-9-1 Time Limits:

If the applicant fails to submit a Site Plan for at least one (1) portion of the Planned Business Development District within twenty-four (24) months of the approval of the PBD and final Master Plan, the zoning administrator shall review the matter and consider whether or not to recommend that the Board of Supervisors take action to rezone the PBD to the district designations in effect prior to the approval of the final master plan.

8F-10. Compliance Following Approval of Final Development Plans.

8F-10-1 Periodic Inspections and Permit Review:

The zoning administrator shall periodically inspect the site and review all building permits issued for the development to ensure compliance with the submitted development schedule.

8F-11. Unified Control.

8F-11-1 Provisions:

In order to ensure unified control of a PBD development without requiring common ownership of all property within the PBD, the following provisions must be met to provide for unified control:

8F-11-1.1 Unification by common development criteria in covenants and restrictions recorded among the land records of

the Culpeper County Circuit Court, which criteria meet the intent of the Master Plan for the PBD.

8F-11-1.2 Unification through formation of an Owner's Association which will ensure common areas and features are developed and maintained which meet the intent of the Master Plan and comply with the covenants and restrictions.

8F-11-1.3 The covenants and restrictions shall be submitted for review with the petition for PBD zoning.
(Ord. of 6-1-1999)

Editor's note—Article 8F was adopted in its entirety on 6-1-1999.

ARTICLE 9. SPECIAL PROVISIONS

The regulations specified in this ordinance shall be subject to the following special provisions as permitted or otherwise specified in the district classifications. Any structures built within one (1) mile of an airport shall meet all the requirements of the Federal Aviation Agency recommending height of structures.

9-1. Use.

9-1-1 Hog and poultry restrictions:

There shall be no building, structure or yard for the raising and/or housing of hogs and/or poultry within 150 feet of any property line.

9-1-2 Trailer parking:

The parking of a trailer in any district is hereby prohibited; except that one (1) trailer may be parked or stored in an improved, enclosed garage or accessory building provided that no living quarters shall be maintained or any business practiced in the trailer while such trailer is parked or stored; except that, unoccupied travel or recreational trailers may be parked or stored to the rear of the front line of the main building.

(Ord. of 5-2-1972)

9-1-2A Electric service:

It shall be unlawful for any electric company to furnish electricity to any mobile home that is to be used as a dwelling or living quarters in Culpeper County unless the company has evidence that the trailer is legally parked. It shall also be unlawful for any individual to provide electricity to any mobile home that is to be used as a dwelling or living quarters in Culpeper through the use of an extension electrical cord method.

(Ord. of 5-2-1972)

9-1-2B Mobile home standards:

9-1-2B.1 Every mobile home in Culpeper County shall be equipped with skirting which completely screens the undercarriage within sixty (60) days of placement on the lot unless it can be demonstrated that compliance with said time limit is physically infeasible because of weather

conditions. In such cases, the zoning administrator may grant a time extension not to exceed four (4) additional months.

9-1-2B.2 The mobile home shall be placed on a permanent foundation with axles, wheels and trailer hitch removed. This requirement may be waived by the Board of Supervisors if the mobile home is permitted for one (1) year or less pursuant to Article 28.

9-1-2B.3 Underpinning shall be required.

9-1-2B.4 Front and rear steps and landings shall be provided and shall meet all state building code requirements.

9-1-2B.5 The mobile home shall be located on its own individual lot unless subject to a use permit under Article 28 of this Ordinance.

9-1-2B.6 The mobile home shall be in compliance with all zoning requirements, including setback and yard requirements, and all applicable requirements of the Virginia Department of Health.

(Ords. of 5-2-1972; 11-3-1976; 2-4-1997)

Editor's note—Ordinance of 2-4-1997 amended this section, formerly called "Mobile Home Skirting" to clarify standards for mobile homes.

9-1-3 Commercial vehicle parking:

The parking of any commercial vehicle in any A, R, or RA district is prohibited, except a commercial vehicle of not more than two and one-half (2½) ton capacity [not to exceed manufacturer's gross weight rating of sixteen thousand (16,000) pounds GVW] may be parked in an enclosed garage in such district. A commercial vehicle of one (1) ton capacity [not to exceed manufacturer's gross weight rating of ten thousand (10,000) pounds GVW] or less, may be parked to the rear of the rear line of a main building in any A, R, or RA district or, in the case of an apartment development, in an approved off-street parking area.

(Ord. of 6-12-1996)

9-1-4 Merchandise in the street:

No merchandise shall be displayed nor business conducted between the street line and the building setback line.

9-1-5 Mother-in-law Suites:

Single family dwellings shall be prohibited from containing attached apartments, including garage or basement apartments, except that "mother-in-law suites" constructed and utilized in accordance with the provisions below shall be permitted:

9-1-5.1 The suite may contain all aspects of a separate dwelling including kitchen, bathroom, and bedroom facilities.

9-1-5.2 The suite shall be permitted only within the structure of the main dwelling. Usage of freestanding structures is expressly prohibited without a use permit as provided in Article 17. Not more than one (1) accessory suite shall be permitted within any single family dwelling.

9-1-5.3 The suite must not occupy more than thirty (30) percent of the total floor area of the dwelling or one thousand (1,000) square feet, whichever is greater.

9-1-5.4 The suite must not have its own electrical service meter.

9-1-5.5 The owner of the property upon which the dwelling and suite are located shall occupy at least one (1) of the dwelling units on the premises.

9-1-5.6 The suite must be occupied only by persons legally related to the family occupying the dwelling or caregivers serving the family occupying the dwelling.

9-1-5.7 Any external entrance to the suite shall be on the side or the rear of the dwelling such that it and the entrance to the main dwelling are not both visible from the front yard.

9-1-5.8 No mother-in-law suite shall be established without written approval from the local office of the Virginia Department of Health of the location and area for both original and reserve drain fields adequate to serve the main dwelling and the suite.

9-1-5.9 No mother-in-law suite shall be established without first obtaining a build-

ing permit to ensure compliance with building code requirements.

(Ord. of 10-8-1996)

Editor's note—Ordinance of 10-8-1996 adopted this section permitting a narrow exception to the prohibition against any additional dwelling units inside single family dwellings for "mother-in-law suites."

9-1-5B Tenant Units

9-1-5B.1 Tenant unit shall mean a separate free-standing dwelling unit which is accessory to a primary dwelling on a single parcel of land and which meets the following criteria:

9-1-5B.1a The tenant unit shall include no more than 75% of the total square footage of finished floor area in the primary dwelling.

9-1-5B.1b The owner(s) of the property upon which the tenant unit and primary dwelling are located must reside full-time in one of the two dwellings.

9-1-5B.1c Tenant units shall be permitted only if:

- (1) At the time of issuance of a building permit for a tenant unit, the property upon which it is located must be legally eligible to be subdivided, meeting all Subdivision Ordinance requirements, such that the primary dwelling and the tenant unit could be accommodated on separate, distinct parcels; or
- (2) The property upon which the tenant unit is proposed shall meet the following minimum size regulations:

A-1 Zoning District—15 acres

RA Zoning District—9 acres

RR Zoning District—9 acres

R-1 Zoning District—3 acres

All Other Zoning Districts - Not Permitted

9-1-5B.2 More than one tenant unit may be approved for occupancy by farm tenants, defined as a tenant who derives at

least eighty percent (80%) of their income from the farm on which the unit is located, subject to 9-1-5B.1 above.

(Ord. of 2-3-2004(2))

9-1-6 Recreational vehicle parks and campgrounds:

The location of a recreational vehicle park and campground in any division [district] where permitted shall require a use permit issued by the Board of Supervisors. The design and development of such park shall include consideration of the two (2) following basic types or an appropriate combination thereof: The "overnight type" is usually located on or near major highways where the public can stop for one (1) or two (2) nights while en route to some more distant destination. The "destination type" is usually located at or near a scenic, historic or outdoor recreation area where the public is attracted for extended stays of several days or weeks. The operators of such a park shall comply with the following:

9-1-6.1 Area: The following area requirements shall pertain for recreational vehicle parks and campgrounds:

- a. Parks with only campsites or with a combination of campsites and recreational vehicle sites, shall contain at least ten (10) acres in area.
- b. Parks with only recreational vehicle sites shall contain at least four (4) acres in area.

9-1-6.2 Accessory uses: Convenience establishments of a commercial nature, including small stores, coin-operated laundry and dry cleaning establishments, may be permitted subject to the following restrictions: Such establishments and any parking area primarily related to their operation shall not occupy more than five percent (5%) of the area of the park, shall be subordinate to the residential use and character of the park, shall be located, designed and intended to serve only the needs of persons residing in the park and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

9-1-6.3 Screening: Where any property line of a recreational vehicle park and campground abuts land either zoned for residential use or occupied by a residential use permitted by the zoning ordinance, there shall be provided and maintained along said property line a continuous visual buffer with a minimum height of six (6) feet. This buffer shall be a compact evergreen hedge or other type of foliage screening, or shall be a combined wooden fence and shrubbery screen with the latter facing the residential zone or permitted residential use.

9-1-6.4 Space size: Each recreational vehicle site or campsite shall be at least one thousand six hundred (1,600) square feet in area with no dimension less than twenty-five (25) feet.

9-1-6.5 Density: Recreational vehicle parks and campgrounds shall not exceed a maximum of twenty (20) lots per gross acre.

9-1-6.6 Distance between recreational vehicles: No part of any recreational vehicle, tent or addition thereto shall be placed within seven and one-half (7½) feet of any recreational vehicle site or campsite line.

*9-1-6.7 Water and sewer.** Each recreational vehicle park and campground site shall provide an adequate and safe water supply and method of sewage collection, treatment and disposal as approved by the County health department. Whenever a public water or sewer system is available to the park, such system shall be used. Each park shall have no less than one (1) running water spigot for every three (3) recreational vehicle sites or campsites.

9-1-6.8 Service buildings. Each recreational vehicle park and campground shall provide service buildings to house such toilet, bathing or other sanitation and/or laundry facilities as are hereinafter more particularly prescribed:

- a. Permanent structures. All service buildings shall be permanent structures complying with all applicable County codes and regulations.

*Cross reference—Water supply, Chapter 14.

- b. Distance from lots. Service buildings housing sanitation facilities shall be located no closer than thirty (30) feet to any recreational vehicle site or campsite nor farther away than four hundred (400) feet.
- c. Maintenance. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health or safety of any occupant or the public, or otherwise constitute a nuisance or fire hazard.

9-1-6.9 Sanitation facilities. Each recreational vehicle park and campground shall be provided with toilets, baths or showers and other sanitation facilities in accordance with the requirements of the Culpeper County Health Department.

9-1-6.10 Occupancy. No individual unit shall be occupied nor shall any person reside, in any recreational vehicle park or campground for more than sixty (60) days within one (1) year. This provision shall apply only to campgrounds established after the date of adoption of this section.

9-1-6.11 Registration of campers. The operator of a recreational vehicle park and campground shall keep a record of all persons registering at the park or campground. This record shall show:

- a. The name and permanent address of the person responsible for the camping unit registered.
- b. The number in the party.
- c. The year and make of car.
- d. The license number and state of car's registration.
- e. The date of arrival and departure.

These records shall be open to the law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained therein, the record shall not be destroyed for a period of three (3) years following the date of departure of the

registrant from the park or campground. (Ords. of 7-1-1969; 9-2-1969; 5-2-1972; 5-7-2002)

9-1-7 Residential professional: A professional office in a single-family detached residence or any accessory thereto shall be allowed in the A-1 and RA Districts only for the use of the resident occupant. Such professional office shall include an architect, certified public accountant, chiropractor, dentist, doctor of medicine, engineer, insurance agent, land surveyor, lawyer, optometrist, osteopath, planning consultant, podiatrist, psychologist, realtor and other professionals.

(Ord. of 6-3-1997)

Editor's note—Ordinance of 6-3-1997 amended this section to limit professional offices to A-1 and RA zoning districts. Professional offices formerly were permitted also in the R-2, R-3 and R-4 zoning districts.

9-1-7.1 The resident professional use must be clearly incidental and subordinate to the use of the premises for residential purposes and shall not alter the residential character of the dwelling. The total area devoted to the professional office shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. Use of the professional office is limited to the occupants and one (1) employee, assistant or associate. Off-street parking must be provided in addition to driveways and any private garage or parking area in accordance with Article 10.

9-1-7.2 The resident professional is a conditional use requiring a special permit as provided for in Article 17.

(Ords. of 5-24-1989, 3-2-1993, 6-12-1996)

Editor's note—Amended 3-2-1993 to include residential professional (home occupation) as an allowable use in the A-1 (Agricultural) District.

9-1-8 Lake Pelham-Mountain Run Lake Watershed Restrictions: The Lake Pelham Mountain Run Lake Watershed serves the Lake Pelham reservoir which is a public water supply for town and County residents and provides the surface water recharge for the lake. The watershed has been shown to be sensitive to certain development activities and susceptible to impacts from particular uses that may effect

water quality.* The lakes are subject to degradation from hazardous substances that may gain entry by spill, surface runoff or groundwater leachate. As a result, the following uses and storage thereof are prohibited in the watershed as part of any non-residential activity:

9-1-8.1 Hazardous materials and wastes.

9-1-8.2 Flammable or combustible substances and the storage of more than one hundred (100) gallons or fifty (50) pounds of such substances.

9-1-8.3 Toxic wastes and substances.

9-1-8.4 Bulk and underground storage.

9-1-8.5 Landfills and debris sites.

9-1-8.6 Storage or land spreading of sludge.

In addition, sewer treatment plants and other uses for which a NPDES or VPDES permit is required for more than one thousand (1,000) gallons of effluent are also prohibited, excluding stormwater management facilities.
(Ord. of 1-2-1991)

9-1-9 Family Day Home: The zoning administrator shall issue a zoning permit for any family day home, as defined in section 2-26A of this ordinance, serving six (6) through twelve (12) children, exclusive of the provider's own children and any children who reside in the home. Prior to issuance of the permit, the applicant shall notify each adjacent property owner via registered or certified letter. Additionally, a representative of the health department, and the County Building Official shall be consulted. In the event that no written objection is raised by any adjacent property owner, or by the Health Official or Building Official within thirty (30) days, the zoning administrator may issue the permit. If an objection is raised which results in denial of the permit, the applicant may ask to have the application considered by the Planning Commission and the Board of Supervisors according to the process set forth in § 15.2-2204 of the Code of Virginia.

***Editor's note**—²Lake Pelham Watershed Study and Management Plan; Espey, Huston & Associates, Inc.; September 1989.

No signage advertising such family day homes shall be permitted.
(Ord. of 12-6-1994)

9-2. Height.

9-2-1 Structures permitted above height limit: Silos, penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights radio towers, steeples, flagpoles, chimneys, smokestacks or similar structures may be erected above the height limit herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space. Such structures shall not exceed 23 feet. Penthouses shall be concealed by exterior architectural material of the same type of quality as that used in the exterior walls of the building. Noncommercial radio towers or masts may exceed the height limit no more than twenty-five (25) feet. Chimneys and smokestacks, which are in integral part of a penthouse, may exceed the height limit by not more than 27 feet.

9-3. Area.

9-3-1 Front yards; gasoline pumps: Gasoline pumps shall be erected, at least ten (10) feet behind the setback line; provided, however, that such pumps may be erected five (5) feet in front of the setback line if the main building is set back a minimum of ten (10) feet behind the setback line.

9-3-2 Lot area; hotels or motels: Hotels or motels shall have a lot area of not less than eight hundred (800) square feet for each individual sleeping or living unit.

9-3-3 Lot area; family partitions: The minimum lot area of family partitions and remnants thereof shall be as required in the district that it is applied for, except and in accordance with Appendix B of the Culpeper County Code (as amended), that the minimum allowable lot and remnant thereof in the A-1 and RA Districts

shall be one (1) acre or as required to satisfy County health department standards.
(Ord. of 6-12-1996)

9-3-4 Vision clearance: On any corner lot in an A, R, or RA District, there shall be no planting, structure, fence, retaining wall, shrubbery or obstruction to vision more than three (3) feet higher than the curb level within the triangle formed by the street right-of-way lines and a line connecting said street lines twenty-five (25) feet from their intersection. On any corner lot in a C or M District, no building or obstruction shall be permitted between a height of one (1) foot and a height of ten (10) feet higher than the curb level within the triangle formed by the street right-of-way line and a line connecting said street lines ten (10) feet from their intersection.
(Ord. of 6-12-1996)

9-3-5 Reserved.

Editor's note—Section 9-3-5 was deleted by the Board of Supervisors on 8-3-1993.

9-3-6 Two-story accessory buildings in R Districts: In no case shall a two-story accessory building occupy any part of a required side or rear yard.
(Ord. of 8-3-1993)

Editor's note—Section 9-3-6 was amended on 8-9-1993 to apply only to R districts.

9-3-7 Projection allowed on yards and courts: No building or structure, or addition thereto, other than walls or fences, shall extend into a required setback area, yard or court, except that chimneys may extend therein eighteen (18) inches, and the following unenclosed uses may extend therein no more than four (4) feet, but not nearer than five (5) feet to any property line; balconies, eaves, trim and fascia boards and similar architectural features, platforms and terraces.

9-3-7.1 Any roofed-over area existing at the time of the adoption of this Article which is attached to a main structure and which encroaches on required setback or yard area shall not be enclosed.

9-3-7.2 The setback and yard requirements of this ordinance shall not be deemed to prohibit any otherwise lawful fence or

wall which is not more than four (4) feet high; provided, however, that a fence or wall along the rear lot line and along the side lot line to the rear of the required setback line may be erected to a height not exceeding seven (7) feet. This provision shall not be deemed to allow any wall or fence more than three (3) feet high as defined in section 9-3-3. Also this provision shall not be interpreted to prohibit any open-mesh type fence enclosing any school or playground.

9-3-8 Open spaces for group building projects: For projects having more than one (1) main building, the front setback, side and rear yard requirements shall apply along the boundary lines of the project. The minimum distances between the main buildings within the project area shall be the sum of the side yard requirements between the respective buildings for each building as though it is located on a separate lot. Lot area and lot width shall be maintained as though each building is located on a separate lot.

9-3-9 Landscape features: Landscape features, such as trees, shrubs, flowers or plants, shall not be permitted or maintained on any required front, side or rear yard if they produce a hedge effect or interfere with the safe use of the public street or sidewalk. Said landscape features shall be permitted in any required front, side or rear yard, provided that they do not interfere with public safety and do not produce a hedge effect contrary to provisions of sections 9-3-4 and 9-3-7.

(Ords. of 5-24-1989; 3-5-1991)

9-3-10 Utility and Community Facilities Lots: Lots to be used solely for the location and operation of electric substations, or booster, relayed or pump stations for natural gas, telephone, water, sewer, and similar public utilities and lots to be used for community facilities such as fire or police stations, waste transfer sites, post offices, and public recreation areas shall not be required to comply with area or frontage regulations. The minimum area shall be 1.5 acres or the district minimum, whatever is less. Setback and yard regulations shall be enforced. This section shall not apply to lots

used for the location and operation of primary utility facilities nor shall it be construed to allow any use which is not specifically allowed in the zoning district. Public utilities require, at a minimum, a use permit and a site plan as per Articles 17 and 20 of this ordinance, respectively. Community facilities require a site plan as per Article 20, and in some cases, may require a use permit as per Article 17.

(Ords. of 11-4-1992, 8-2-1994, 6-1-1999)

Editor's note—Former § 9-3-10, which dealt with plan preparation, was repealed by the ordinance of 5-24-1989. Amendment of 11-4-1992 added new § 9-3-10 to allow for lots used solely for public utilities to be less than the normal minimum lot size of the zoning district in which they are located. The ordinance amendment of 8-2-1994 added community facilities lots to this exception. The ordinance amendment of 6-1-1999 added post offices to this exception.

9-4. Building separation.

9-4-1 Minimum separation: In districts where more than one (1) detached principal building is allowed on a lot, there shall be a minimum separation between the nearest vertical walls to ensure adequate privacy, light, air circulation and design flexibility. The minimum distance required between principal structures shall be the average of the sum of the height of the extension wall of both structures (measured from the adjacent grade to the peak or highest structural point of the roof) multiplied by one and five-tenths (1.5). This is expressed by the formula:

$$\frac{H_a + H_b}{D = 2} \times 1.5$$

Where

D = The minimum building separation (feet).

H_a, H_b = The height of each building (feet).

In no case shall the minimum building separation be less than thirty (30) feet.

(Ord. of 5-24-1989)

9-4A. Alleys.

Alleys not less than twenty (20) feet in right-of-way width may be provided in the rear of all commercial and industrial properties unless other provisions are made for parking and service. Alleys shall also be permitted in the following residential districts: R-1, R-2, R-3, R-4, and PUD.

Easements for alleys in residential districts shall be a minimum of twenty (20) feet in width, including appropriate sight distance, drainage, and radius for emergency vehicles. A minimum paved travel way of fifteen (15) feet shall be provided. One and one-half (1.5) inches of surface mix over three (3) inches of base pavement and six (6) inches of sub-base stone shall be the minimum pavement required with a minimum of two-foot shoulders. Additional pavement/base may be required if it is determined that the site soil conditions warrant the additional improvements. The maximum grade for an alley shall be ten (10) percent, except that the grade shall not exceed three (3) percent for the first twenty-five (25) feet from the street connection.

A minimum setback of ten (10) feet shall be required from the edge of the easement to any accessory structure, garage, or other structure. All structures shall also comply with the underlying zoning district rear and side yard setbacks. No parking shall be permitted on paved travel way; however, parking may be permitted within the alley easement if additional easement width is provided to accommodate such parking. All required off-street parking shall be provided on each lot. Garages shall not count toward off-street parking requirements. A twenty-foot setback shall be provided from an alley intersection and the first structure, parking space, or any street tree planting.

In residential developments where alleys are provided, the following features must also be provided in front of dwellings:

- a. On street parking on at least one (1) side of the street.
- b. Sidewalks at least four (4) feet in width, parallel to street.
- c. Lead walks at least three (3) feet in width from the dwelling to the parallel street sidewalk.

Sidewalks and lead walks must be constructed with concrete or other suitable impervious material.

Alley easements shall be owned, controlled, and maintained by a homeowners association (HOA) or similar association or owned by individ-

ual property owners with control and maintenance by a HOA or other association. Notation on both the plat and deeds shall be provided that clearly and boldly states the ownership, maintenance, and control responsibility for alleys. Culpeper County shall not, under any circumstances, assume any maintenance or ownership responsibilities for any alley, unless otherwise permitted or required by law. Homeowners' association covenants, which provide for the maintenance and upkeep of the alleys, shall be submitted with the final construction plans for review.

Any of the provisions of this section may be waived or varied by the Planning Commission if it is determined that the purpose and intent of the ordinance can be met through alternative means. (Ord. of 11-6-2002)

9-5. Cluster housing.

9-5-1 Intent of cluster development: Cluster development is intended to encourage flexibility in residential setting and subdivision design for the purpose of providing attractive, economical and environmentally sound land use. The regulation allows for the clustering of housing in order to reserve or protect land with unique natural or physical attributes or to provide recreation opportunities for development. Cluster development is limited to residential uses and will result in a large area of natural or open space for recreation or conservation purposes.

9-5-2 Where cluster housing applicable: Cluster housing shall be applicable in the RR, R-1, R-2 and R-3 Districts only and subject to the uses, structures and regulations of the district where the cluster lies, except as provided herein. Any use of the cluster provisions shall require the approval of the Planning Commission and Board of Supervisors pursuant to the Culpeper County Subdivision Ordinance.* Such provisions may be required by the Planning Commission as a condition in order to conserve a specific area as defined in section 9-5-3.4. (Ords. of 6-12-1996, 11-3-1999)

*See Appendix B., Subdivision Ordinance

9-5-3 Regulations: The following regulations shall apply to all cluster housing as provided for in this section:

9-5-3.1 Minimum development area. The minimum area to be developed for cluster housing shall be five (5) acres in the RR, R-1, R-2 and R-3 Districts. Development of a new cluster abutting an existing cluster can be less than the five (5) acres minimum, subject to the approval of the Planning Commission. (Ords. of 6-12-1996, 11-3-1999)

9-5-3.2 Density of development. The maximum number of units allowed in a cluster shall not exceed the total density normally allowable in the district where the cluster provision is applied. Surface waters, wetlands, one hundred (100) year floodplains, and slopes in excess of twenty-five percent (25%) shall be subtracted from the overall tract acreage prior to calculating the allowable density of the development.

In addition, any applicant proposing a cluster development shall submit a plan indicating the features of the land listed above and estimating the realistic lot yield based upon the suitability of the soils for drainfields under a traditional development proposal (soil suitability is not required where a central sewage treatment facility is to be utilized). Such a plan shall be sealed by a licensed engineer or land surveyor. In no case shall a cluster development proposal exceed the density which could be achieved under a traditional development proposal. (Ord. of 9-5-2000)

Editor's note—The ordinance of 9-5-2000 added the second sentence to the first paragraph of this subsection, and the entire second paragraph.

9-5-3.3 Utility services. Sewer and water services shall be provided as required for the district wherein the cluster lies and as regulated by the health department or the state water control board.

9-5-3.4 Conservation area or open space. In the utilization of cluster provisions, at least forty percent (40%) of the gross

acreage of the original tract(s) shall remain in the conservation area or recreation or open space and dedicated as such. Such dedication shall be recorded in the Culpeper County Clerk's office and shall contain appropriate covenants or deed restrictions, as acceptable to the zoning administrator. The covenants shall provide for the appropriate restriction of use and maintenance of the open space in accordance with the purpose of its dedication. Unique site features required as a minimum to be retained in such dedicated open space or conservation area include floodplains, wetlands, slopes in excess of twenty-five percent (25%), rock outcrops, gorges, streams/rivers, caverns, woodlands and other natural areas. The dedicated area or open space shall be eligible to become a lot of record and entitled to be developed in accordance with the regulations of the Zoning Ordinance limited to agricultural use and/or a single residential dwelling unit. Dedicated open space areas shall be single, contiguous parcels wherever possible. In cases where open space is not entirely contiguous, the minimum size of an open space parcel shall be thirty (30) acres.

(Ord. of 9-5-2000)

Editor's note—The ordinance of 9-5-2000 added the last two (2) sentences in this subsection.

9-5-3.5 Buffer with surrounding uses. Cluster housing shall be one hundred (100) to two hundred (200) feet from any lower zoning or less intensive use, except in the case of an adjoining or abutting cluster development.

9-5-3.6 Access. All pedestrian and vehicular access and on-site circulation is to be provided by the developer as part of the cluster development. Access to dedicated open space and recreation areas shall be required as appropriate.

9-5-3.7 Maximum height. The height of structures shall be as governed by the district in which the cluster development lies.

9-5-3.8 Minimum lot area, width and yard requirements. The minimum standard for cluster housing lot development shall be governed by the following schedules.

(Ords. of 5-24-1989; 11-6-1991)

Editor's note—The schedules of development requirements are found at the end of this Chapter.

9-5-4 Lake Pelham-Mountain Run Lake Watershed:

Watershed development may be required to cluster by the Planning Commission in accordance with Article 8C of this Zoning Ordinance. Such development shall be of integral design to provide open space for buffers and identified areas of watershed preservation and reduce development intensity in close proximity to sensitive watershed features. Any nonresidential development (other than parks, stormwater management facilities, churches and community facilities) associated with the cluster shall be commercial only, limited to ten percent (10%) of the tract and primarily serving immediate resident needs. In addition to the minimum requirements contained in 9-5-3.8 of this section, lot width, size and yards of development in the watershed may be reduced thirty percent (30%) in the R-3 and R-4 Districts in order to promote cluster housing and provide for adequate watershed protection.

(Ord. of 3-3-1992)

9-6. Draft biosolids regulation, testing and monitoring.

9-6-1 Purpose and intent: The purpose of this section is to monitor the application of biosolids to agricultural land in Culpeper County as authorized by the Code of Virginia and applicable regulations. This section is intended to implement the authority granted to local governments by Va. Code § 62.1-44.19:3, to provide for the testing and monitoring of land application of biosolids within the political boundaries of Culpeper County in order to ensure compliance with applicable laws and regulations and to make pertinent information available to the Board of Supervisors, County officials and residents of the County on matters related to biosolids land application.

Improper management of biosolids may result in adverse effects to human health, agricultural lands, water supplies, wildlife, livestock, natural resources and the environment

When properly managed, land application of biosolids represents the beneficial use of a recycled nutrient product. This section is intended to ensure that laws and regulations governing the land application of biosolids are properly implemented and enforced, and to minimize nuisance complaints related to land application of biosolids.

This section is not intended to apply to the land application of animal waste or manures, water treatment plant sludge, or exceptional quality biosolids.

9-6-2 Authority and severability:

- A. *Authority.* This section is adopted pursuant to the authority granted by the Code of Virginia, including but not limited to §§ 15.2-1200 et seq., 15.2-2283 et seq., and 62.1-44.19:3.
- B. *Severability.* In the event that any portion of this section is declared void for any reason, such decision shall not affect the remaining portions of the ordinance, which shall remain in full force and effect, and for this purpose the provisions of this section are hereby declared to be severable.

9-6-3 Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biosolids means sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with state regulations.

Biosolids Monitor means an employee of the County, either full-time or part-time, charged with the responsibility of ensuring that the

land application of biosolids is conducted in accordance with applicable laws and regulations. This shall include the Zoning Administrator or his agents.

Exceptional quality biosolids means Biosolids that have received an established level of treatment for pathogen control and vector attraction reduction and contain known levels of pollutants, such that they may be marketed or distributed for public use in accordance with state regulations.

Land application means the distribution of biosolids upon, or insertion into, the land at agronomic rates for the purpose of nutrient utilization.

Permit means an authorization granted by the authority of the Commonwealth of Virginia to land apply biosolids.

Permittee means any person who holds the necessary permits authorizing the land application of biosolids in Culpeper County.

Sewage sludge means any solid, semi-solid, or liquid residues, which contain materials, removed from municipal or domestic wastewater during treatment including primary and secondary residues.

Storage facility means any facility whose purpose is to store biosolids during periods when inclement weather, field conditions or other circumstances beyond the control of the Permittee, prevent or delay the land application of biosolids at the anticipated time.

9-6-4 Permits required: Land application of biosolids is prohibited in Culpeper County unless authorized by all applicable state and/or federal permits.

9-6-5 Information: Any person filing an application with Virginia or federal authorities for a permit for land application of biosolids in Culpeper County shall file certain information with the Culpeper County Zoning Administrator. The information shall include the following:

- (a) Name, address and telephone number of applicant. If the applicant is a company or corporation, the appli-

cant shall include the name, title and telephone number of the person or persons who will be responsible for land application activities under the permit;

- (b) Copies of the application and all supporting information submitted to regulatory agencies in connection with the activities described in the application. This information shall include, without limitation, a copy of the applicants approved operations and maintenance manual incorporating procedures for sampling and analysis of biosolids and soils, spill prevention and cleanup procedures and analytical data pertaining to sources of biosolids proposed for land application within Culpeper County. The applicant shall also include copies of all site-specific information pertaining to permitted activities, including site maps, proposed crops and methods of application;
- (c) A traffic management plan indicating truck access routes and trip generation;
- (d) Written consent by the owners of land to which biosolids will be applied; and
- (e) Proof of current insurance or other evidence of financial responsibility satisfying the requirements in this ordinance.

9-6-6 Conditions:

- A. Provided it is performed in compliance with this section, land application of biosolids is authorized only in the A-1 (Agricultural) and RA (Rural Area) zoning districts, or for the purpose of mining reclamation if permitted under state law.
- B. No person shall apply biosolids to land in Culpeper County except pursuant to a valid permit issued by the Virginia Department of Health or Department of Environmental Quality, in compliance with all applicable

federal and state statutes and regulations, and in accordance with the provisions of this section.

- C. Any person proposing or intending to land apply biosolids to lands in Culpeper County shall notify the biosolids monitor in writing at least two (2) weeks prior to any intended land application of biosolids, or as otherwise required by state law or regulation, whichever is greater.
- D. The notice provided to the biosolids monitor shall include the following information:
 - 1. The name, address and telephone number of the Permittee;
 - 2. The tax map numbers of the parcels where land application will occur;
 - 3. The name, address and telephone number of the owner of the property where the land application will occur;
 - 4. The estimated date range on which land application will occur;
 - 5. A copy of the permits authorizing the land application;
 - 6. Evidence of a Nutrient Management Plan (NMP) as required by state regulations to assure balanced use of biosolids to prevent overdose by limiting amount applied per acre to soil and crop needs; and
 - 7. Information on proposed haul routes.
- E. The Permittee shall advise the Biosolids Monitor from time to time as to the progress of operations while operations are conducted within Culpeper County.
- F. If requested by the Biosolids Monitor, the Permittee shall provide the most recent analysis results for biosolids that are land applied at

any site in Culpeper County. The Permittee shall allow the Biosolids Monitor, upon request, to obtain samples of biosolids being land applied in Culpeper County. At the request of the Permittee, the Biosolids Monitor shall provide the Permittee with a split sample.

- G. By agreeing to accept biosolids for land application, the owner of the property on which land application takes place agrees to allow the Biosolids Monitor access to the land application site for the purpose of monitoring land application activities. It is the responsibility of the Permittee to ensure that the property owner is advised of this requirement. The Biosolids Monitor's right of access shall extend from the date on which the notification required by subsection C. is submitted until fifteen (15) days after land application has been completed at the site.
- H. The Biosolids Monitor shall endeavor to visit each land application site at least once during the application process to assure compliance with all regulatory requirements.
- I. The Permittee shall immediately notify the Zoning Administrator of any change in ownership of the Permittee or in responsible personnel designated in the original application, or in the data submitted with the application.
- J. The Permittee shall provide contemporaneous copies of all data, reports and information submitted in accordance with state or federal regulatory requirements.
- K. The Permittee shall provide a general schedule of application in Culpeper County to the Zoning Administrator, and shall promptly notify the Zoning Administrator of any changes to the schedule.

- L. The Permittee shall immediately report to the Zoning Administrator any complaints or notices of violations received in connection with land application activities conducted under the permit.

9-6-7 Abatement of violations; spill response:

The Biosolids Monitor shall immediately notify the Permittee of any failure to follow the applicable regulations or the Permittee's operational plan, resulting in the improper application of biosolids or in the spillage of biosolids onto public streets or right-of-way or on property outside the area authorized. The Biosolids Monitor may order the abatement of any violation of state laws or regulations pertaining to land application of biosolids. The Permittee shall respond, in conformance with its operational plan, to cease any such violations and to undertake appropriate corrective action for improperly applied biosolids, or to clean up biosolids spilled onto public streets, roadways or other unpermitted areas, immediately upon receiving such notification. In the event that the Permittee does not respond promptly to notification of spillage or improper application and the County conducts the cleanup of spilled biosolids, the Permittee shall compensate the County for the actual costs of such cleanup.

The Permittee is responsible for ensuring that the drag-out or track-out of biosolids from land application sites onto public roads is minimized and that biosolids that are dragged or tracked out from land application sites are promptly removed from public roads and highways.

9-6-8 Scheduling: The Permittee will, at the request of the Biosolids Monitor, make all reasonable efforts to schedule land application activities so as to avoid conflicts with outdoor community or social events in the vicinity of the land application site.

9-6-9 Storage: Biosolids shall be land applied as they are received at the site unless land application is precluded by unforeseen weather conditions or other circumstances beyond the control of the Permittee. Biosolids shall not be stored at any site in Culpeper County other

than storage that is approved in accordance with the Regulations of the Virginia Department of Health.

9-6-10 Insurance: Land application of biosolids is not allowed unless the Permittee has in effect liability insurance or other evidence of financial responsibility in the amount that is required by state law or regulation, covering losses and claims arising from the land application or transportation of biosolids and related activities in Culpeper County. Such insurance shall be maintained in full force and effect throughout the time that the applicator is engaged in land application of biosolids in Culpeper County. The Permittee shall provide the Biosolids Monitor with certificates of insurance or other evidence of financial responsibility and shall promptly notify the Biosolids Monitor of any proposed cancellation or modification of insurance coverage.

9-6-11 Reimbursement: Culpeper County may, at its discretion, participate in a reimburse-

ment program to cover biosolids monitoring and/or testing costs and other costs of reviewing biosolids applications in Culpeper County as permitted by the terms of reimbursement which have been established by the state.

9-6-12 Effective date: This section is effective immediately. Any land application that is in progress on the date the ordinance from which this section derives is adopted [(November 5, 2003)], and any land application that was scheduled before the effective date of the ordinance, shall be deemed in compliance with this section provided that application is completed within thirty (30) days after the effective date of the ordinance.

9-6-13 Violation: Any violation of this section shall be a class 1 misdemeanor as defined in the Code of Virginia, as amended. Each violation shall constitute a separate offense. For each continuing violation, each day shall constitute a separate offense.

(Ord. of 11-5-2003)

APPENDIX A—ZONING ORDINANCE

9-6

MINIMUM LOT, AREA, WIDTH AND YARD REQUIREMENTS
 (See Article 9, Section 9-5-3.8)

<i>Zone</i>	<i>Minimum Residential Area Regulations (Cluster)</i>			
	<i>Single-Family</i>	<i>Duplex / 0-Lot</i>	<i>Townhouse</i>	<i>Apartment</i>
A-1	—	—	—	—
RA	—	—	—	—
RR	43,560	—	—	—
R-1	20,000	—	—	—
R-2	15,000	15,000	—	—
R-3	6,000	6,000	2,000	—
R-4	—	—	—	—

<i>Minimum Residential Width Requirements (Cluster)</i>								
<i>Zone</i>	<i>Single-Family</i>		<i>Duplex / 0-Lot</i>		<i>Townhouse</i>		<i>Apartment</i>	
	<i>INT</i>	<i>CNR</i>	<i>INT</i>	<i>CNR</i>	<i>INT</i>	<i>CNR</i>	<i>INT</i>	<i>CNR</i>
A-1	—	—	—	—	—	—	—	—
RA	—	—	—	—	—	—	—	—
RR	120	120	—	—	—	—	—	—
R-1	85	100	—	—	—	—	—	—
R-2	75	90	65	75	—	—	—	—
R-3	55	75	55	75	20	40	—	—
R-4	—	—	—	—	—	—	—	—

<i>Minimum Residential Yard Regulations (Cluster)</i>									
<i>Zone</i>	<i>Single-Family</i>			<i>Duplex / 0-Lot</i>			<i>Townhouse</i>		
	<i>F</i>	<i>S(C)</i>	<i>R</i>	<i>F</i>	<i>S(C)</i>	<i>R</i>	<i>F</i>	<i>S(C)</i>	<i>F</i>
A-1	—	—	—	—	—	—	—	—	—
RA	—	—	—	—	—	—	—	—	—
RR	50	20(40)	35	—	—	—	—	—	—
R-1	45	15(25)	30	—	—	—	—	—	—
R-2	40	10(20)	25	40	15(25)	25	—	—	—
R-3	25	8(20)	15	25	8(20)	15	35	0(15)	25
R-4	—	—	—	—	—	—	—	—	—

ARTICLE 10. AUTOMOBILE PARKING, STANDING AND LOADING SPACE

Virtually every land use in the County of Culpeper now requires, and in the foreseeable future will require, access by motor vehicles. For the purposes of reducing and avoiding congestion of streets and providing a more suitable living and working environment, it is hereby declared to be the policy of the County of Culpeper that for every land use hereafter established, there shall be provided sufficient space for access to, and for the off-street standing and parking of, all motor vehicles that may be expected to come to the establishment at any time under normal conditions for any purpose, whether as patrons, customers, purveyors, guests, employees or otherwise. The responsibility for providing the space required by this ordinance shall be that of whomever establishes the use to which it is appurtenant.

The requirements as to off-street parking space and off-street loading space set forth in this ordinance are adopted in pursuance of the foregoing policy. Said requirements shall be deemed to be minimum requirements.

10-1. General requirements.

The requirements set forth in this Article, with respect to the location or improvement of parking, standing and loading space, shall apply to all such space that is provided for any use, whether said space is provided in accordance with the requirements of this ordinance or said space is voluntarily provided. Off-street parking, standing and loading space shall comply with the following regulations:

10-1-1 Use and parking on same lot:

Off-street parking and off-street loading space appurtenant to any use permitted in A, R, or RA Districts shall be provided in the same parcel of land occupied by the use to which said space is appurtenant.
(Ord. of 6-12-1996)

10-1-2 Off-site parking:

All off-street parking space appurtenant to any use, other than a use permitted in an A, R, or RA District, shall be provided on the same

parcel of land with the use to which it is appurtenant; provided, however, that where there are practical difficulties in the way of such location of parking space or if the public safety or the public convenience, or both, would be better served by the location thereof other than on the same parcel of land with the use to which it is appurtenant, the governing body, acting on a specific application, shall authorize such alternative location of required parking space as will adequately serve the public interest, subject to the following conditions:

10-1-2.1 Such space shall be located on land in the same ownership as that of the land on which is located the use to which such space is appurtenant.

10-1-2.2 A pedestrian entrance to such space shall be located within a distance of six hundred (600) feet, by the shortest route of effective pedestrian access, entrance to entrance.

10-1-2.3 Such space shall be conveniently usable without causing unreasonable:

- a. Hazard to pedestrians.
 - b. Hazard to vehicular traffic.
 - c. Traffic congestion.
 - d. Interface with safe and convenient access to other parking space in the vicinity.
 - e. Detriment to the appropriate use of business property in the vicinity.
 - f. Detriment to any residential neighborhood.
- (Ord. of 6-12-1996)

10-1-3 Vehicle access to parking space:

In calculating any required parking area, other than for parking spaces required for single-and two-family dwellings, sufficient access and maneuvering space shall be provided to permit the parking and removal of any vehicle without moving other vehicles.

10-1-4 Transitional parking use restrictions:

In transitional parking areas, no activity or use shall be conducted on the area except the parking of customer or employee automobiles

and uses as specifically permitted in that particular district; the use of the area for parking shall not be deemed to include any sales or servicing whatsoever.

10-2. Required improvements.

Every parcel of land hereafter used as a private or public standing or parking area (other than parking required for single-and two-family dwellings), a loading space or a motor vehicle sales or storage lot (referred to in this Article as "parking area") shall be provided with safe and convenient access to a street and shall be improved in accordance with the following requirements:

10-2-1 Paving:

The ground surface shall be paved with a durable, dust-free and hard material, such as bituminous hot mix or Portland cement concrete or some comparable material. Such paving shall be maintained for safe and convenient use at all times.

10-2-2 Curbs and delineation:

Fixed and permanent wheel bumpers or curbs of concrete or some comparable material at least four (4) inches high shall be installed for each parking area at least four (4) feet within the prescribed limits of the parking area. Where the parking is so designed that the vehicle overhand does not protrude outside the prescribed limits of the area, such curbs may be placed at the outside limits of the area. Parking spaces shall be delineated and periodically restored to maintain a clear identification of separate parking stalls.

10-2-3 Curb cuts:

Driveway openings through the curb shall be a minimum of thirty (30) feet in width and a maximum of fifty (50) feet in width measured at the street line. There shall not be less than twenty-five (25) feet between driveway openings, and there shall not be less than twelve and one-half (12½) feet from any driveway openings to any property line.

10-2-4 Screening:

Except between abutting R zoned lots or where topography achieves the same effect, any part

of such parking area located closer than fifty (50) feet to a side or rear lot line of a lot in A, R, or RA Districts or where such parking extends into A, R, or RA Districts as a permitted transitional use, a wall or fence shall be erected along the boundary thereof. Such wall or fence shall consist of durable material so arranged that direct light cannot penetrate the face thereof. Such wall or fence shall have a minimum height of three and one-half (3½) feet above the finished surface of the area that it bounds, measured at the wheel bumper, where such exists, and of three and one-half (3½) feet above the ground surface on the side exposed to abutting properties.
(Ord. of 6-12-1996)

10-2-5 Parking in setback:

In all A, R, and RA Districts, no parking or required curb or wall shall encroach on any required setback area, and such area shall be landscaped with ground cover, properly maintained at all times; provided, however, in "R" districts such parking and driveways may encroach on the interior fifteen (15) feet of the setback area.
(Ord. of 6-12-1996)

10-2-6 Lighting:

Any lights used to illuminate any such area shall be so arranged and shielded as to confine all direct light rays entirely within the boundary lines of such area.

10-2-7 Plans:

Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include plans in duplicate covering all the foregoing requirements which shall be approved by the zoning administrator before work is commenced.

10-3. Required off-street parking and standing.

Parking or standing spaces shall be provided for each use, as permitted in respective classifications, in not less than the amounts set forth in the

following chart for every building, or addition thereto, and for all uses of land hereafter established or expanded.

10-3-1 Use of parking or standing space:

Parking or standing space required by this ordinance shall be used only for those purposes. Any other use of said space, including any repair work or servicing or any kind, shall be deemed to constitute a separate commercial use of said space in violation of the provisions of this ordinance.

10-3-2 Minimum size of all parking and maneuvering space:

All parking [spaces] shall be a minimum of nine (9) feet by twenty (20) feet. The minimum aisle space for ninety (90) degree parking shall be twenty-six (26) feet in width. The minimum aisle space for sixty (60) degree parking shall be twenty-three (23) feet in width. The minimum aisle space for forty-five (45) degree parking shall be twenty (20) feet in width. The minimum aisle space for thirty (30) degree parking shall be seventeen (17) feet in width. For aisle width of any parking area that the degree of angular parking varies from the specifications above, the aisle width shall be calculated by using a ratio of the above set forth specification; however, in no case shall the aisle width be less than sixteen (16) feet.

10-3-3 Computation:

For the purpose of computing required off-street standing and parking or loading space in relation to flood area, the gross floor area shall be used. When computing parking space requirements on the basis of the number of occupants, practitioners or employees, the total maximum number of said occupants on the premises at any one (1) time shall be used. When application of the requirements would result in a fractional space, any fraction shall be counted as one (1) space. If there is any uncertainty with respect to the amount of parking space required by the provisions of this ordinance as a result of any indefiniteness as to the proposed use of a building or of land, the maximum requirement for the general type of use that is involved shall govern.

10-3-4 Chart of required parking and standing spaces:

10-3-4.1 Conditional and community service uses: Sufficient space to be provided on the lot for the use, as determined by the Board of Supervisors, in conformity to the policy set forth above, except:

- a. Nursery schools: One (1) space for each staff member or employee, plus one space for each one dwelling unit in the establishment.
- b. Elementary schools and junior high schools: One (1) space for each twenty (20) students of design capacity.
- c. High schools: One (1) space for each ten (10) students of design capacity.
- d. Schools of higher instruction: Such parking space as may be determined to be necessary in accordance with policy set forth above in 10-3-4.1.
- e. In any of the above schools, for any auditorium or other facility for public assembly, one space for each ten (10) seats or other vantage accommodation for spectators.
- f. Auditoriums, multi-purpose rooms, gymnasium or other facilities used for public assembly but having no fixed seating arrangement specified: One space per fifty (50) square feet of floor area.
- g. Establishments other than schools, involving public assembly (excluding church sanctuaries), club buildings (other than golf clubs, and community buildings): One space for each three (3) seats or other accommodations for attendants or participants, computed on the basis of one accommodation for each attendant or participant.
- h. Golf courses: 40 spaces for each standard nine (9) holes, plus one space for each employee or attendant.
- i. Community swimming pools: One space for each 40 square feet of pool area.

- j. Church sanctuaries: One space for each five (5) sanctuary seats. Notwithstanding other sections of this ordinance, required parking space for churches may be located on a parking lot which is accessory to another principal use which is not open or operating on Sundays, if said lot is located within six hundred (600) feet, by the shortest route of effective pedestrian access.
- k. Hospitals, rest homes, nursing homes, sanitariums, convalescent homes and institutions: One space for each four (4) beds, plus one space for each two (2) employees (other than staff doctors), plus one space for each doctor assigned to the staff.
- l. Libraries, art galleries and museums, private and public: One space for each five hundred (500) square feet of floor area.

10-3-4.2 Residential and housing uses:

- a. Single-family dwellings: One space for each dwelling unit.
- b. Dwellings, other than single-family: One and one-fourth (1¼) space for each of the first two hundred (200) dwelling units in any structure and one space for each additional dwelling unit.
- c. Establishments with sleeping accommodations, other than dwellings, including tourist courts, tourist homes, lodging or rooming houses, motels and motor hotels: One (1) space for each dwelling unit or guest room plus one space for each two (2) employees or permanent residents, plus such additional spaces as are required herein for affiliated uses such as restaurants and the like.

10-3-4.3 Retail and service uses: One (1) space for each two hundred (200) square feet of floor area including basement or

other areas usable or adaptable without structural alterations for service uses, except:

- a. Automobile service station and public garage: Three (3) standing spaces for each wash rack, lubrication rack, repair bay or similar facility for the servicing or repair of motor vehicles, not including said rack or bay as a space, plus one parking space for each employee.
- b. Bowling alley: Two (2) spaces for each alley.
- c. Attended car wash: Twenty (20) standing or parking spaces for waiting vehicles for each wash rack, plus one parking space for each two (2) employees.
- d. Self-service car wash: Five (5) standing or parking spaces for waiting vehicles for each wash rack.
- e. Drive-in banking and similar "drive-in service" establishments: Five (5) standing spaces for each teller or customer window.
- f. Establishments for the servicing or handling of articles or goods (e.g., cleaning establishments, sign painting shops, etc.): One (1) space for each 250 square feet of floor [area], but not less than three (3) spaces for any one establishment.
- g. Furniture and appliance stores; furniture repair shops: One (1) space for each four hundred (500) square feet of floor area.
- h. Greenhouses and nurseries: One (1) space for each four hundred (400) square feet of floor area plus such space as may be determined to be necessary in accordance with the policy set forth above in 10-3-4.3.
- i. Motor vehicle sales: One (1) customer and one employee parking space for each one thousand two hundred (1,200) square feet of area, whether or not said area is enclosed.

j. Offices of physicians, surgeons and dentists:

<i>Sq. ft. (in each bldg.)</i>	<i>Parking required</i>
First 5,000	1 space for each 150 sq. ft.
Area in excess of 5,000	1 space for each 200 sq. ft.

k. Other office buildings: One (1) parking space for each three hundred (300) square feet of floor area in that portion of the basement adaptable for use as an office or sales space and first five (5) stories and one space for each four hundred (400) square feet of floor area for all stories above five (5) stories, plus one space for each building maintenance or custodial employee on duty during daylight hours.

l. Restaurants: One (1) space for each six (6) seats (in addition to all parking space provided for service to patrons while seated in automobiles). Curb service portion of restaurants shall be totally exempt.

m. Theaters, auditoriums and other commercial places of public assembly: One (1) space for each three (3) seats or other accommodations, for attendants, employees or participants.

n. Undertaking establishments; funeral parlors: One (1) space for each five (5) seats, provided that there shall be not less than twenty (20) spaces for each chapel or parlor.

10-3-4.4 Warehouse, wholesale and manufacturing uses: For uses consisting of the manufacture, processing, assembly, storage, warehousing, wholesale, but not wholesale associated with retail uses, and distribution of products: One (1) space for each one thousand (1,000) square feet of floor area, or one (1) space for each two (2) employees, whichever is the greater.

10-3-5 Off-street loading:

Off-street loading spaces shall be provided for each use, as permitted in respective classifica-

tions, in not less than the amounts set forth in the chart below for every building, or addition thereto, and for all uses of land established or expanded:

10-3-5.1 All conditional uses: Sufficient space to provide on the lot for the use, as determined by the Governing Body in conformity to the policy set forth above.

10-3-5.2 Over six thousand (6,000) square feet of space for offices and personal service establishments, including prescription filling, out-patient clinics and schools, not adaptable for the use for retail purposes: One (1) loading space.

10-3-5.3 Over three thousand (3,000) square feet of floor area designed or adaptable for retail business purposes: One loading space; one additional space for more than fifteen thousand (15,000) square feet; one additional space for more than fifty thousand (50,000) square feet; and one additional space for each one hundred thousand (100,000) square feet of such floor area.

10-3-5.4 For all wholesale and manufacturing uses: One loading space; one additional space for more than fifteen thousand (15,000) square feet of floor area; one additional space for each fifty thousand (50,000) square feet; and one additional space for each one hundred thousand (100,000) square feet of such floor area.

ARTICLE 11. NAMEPLATES AND SIGNS

Strict limitation of all display of signs, billboards and other displays of devices to direct, identify, inform, persuade, advertise or attract attention, herein called "signs", is required to protect property values, protect the character and the economic stability of property, encourage the most appropriate use of land, secure safety on the streets, achieve a more desirable future, living environment, protect and enhance the desirability of the County as a place of residence, employment, commerce, industry and civic activity, or investment and protect the public welfare.

Any sign placed on land or on a structure for the purpose of identification, protection or for advertising a product or service available on the premises, or a use conducted thereon, shall be deemed to be an accessory use. It is the purpose of this ordinance to place such limitations on the display of all said signs as will assure that they will:

- (a) Be appropriate to the land, building, or use to which they are appurtenant, and
- (b) Be adequate but not excessive for the intended purpose of identification, protection, or advertisement.

Signs advertising business uses are specifically intended, amount other things, to avoid excessive competition among sign displays in their demand for public attention.

It is intended by this ordinance that all signs erected for directional purposes, or for public information, shall be confined to those of general public interest and limited to the giving of information.

All other signs, commonly referred to as outdoor advertising, are deemed to constitute a separate use, unique among all uses in the County in that they are essentially a use of the streets and highways. Outdoor advertising is deemed to be inappropriate to the character and sound development of the County and it is intended by this ordinance that the streets and highways in the County shall not be made available for said display. Outdoor advertising

shall be confined to locations in industrial districts in which it is compatible with other uses permitted therein.

11-1. Signs in all districts.

The following signs shall be permitted and sign regulations shall apply in all districts unless otherwise expressly specified herein, and the area of any sign permitted in all districts shall not be included in computing the amount of sign area used or the aggregate sign area permitted for the purpose of said provisions.

11-1-1 Sign placement:

Every sign shall be placed flat against a building, projecting not more than twelve (12) inches therefrom and not extending more than three (3) feet above the height of the actual roof line of the building, measured from the actual roof line in the case of a flat roof or the eaves line in the case of a hip or gable roof; provided that, in buildings constructed with a parapet wall the sign shall not be more than three (3) feet above the parapet wall. Free standing signs shall be permitted to the height permitted in the district. Any projecting sign, which is otherwise permitted to project horizontally more than eight (8) inches from any building or other permitted support, shall not project more than 42 inches therefrom, nor more than 42 inches into any street right-of-way, nor shall said projecting sign be located less than ten (10) feet above finished grade beneath said sign. Free-standing signs permitted in A, R, and RA Districts shall be located fifteen (15) feet from all street lines.

(Ord. of 6-12-1996)

11-1-2 Signs adjacent to residential districts:

No sign shall be permitted on that part of the side or rear wall of a building within one hundred (100) feet from any residence in A, R, or RA districts.

(Ord. of 6-12-1996)

11-1-3 Sign removal:

Every sign pertaining to a particular use shall be deemed to be accessory to that use, and, if such use ceases, shall be removed not more than six (6) months thereafter, provided that:

11-1-3.1 Real estate "sold" signs shall be removed thirty (30) days after their placement on the property;

11-1-3.2 Temporary signs, such as official notices and those related to temporary uses such as a fair or carnival, shall be removed within ten (10) days after the last day of the event to which they pertain.

Signs hereafter erected on public lands contrary to the provisions of this ordinance are subject to immediate removal.

11-1-4 Sign illumination:

Unless otherwise expressly prohibited, signs may be illuminated, provided that illumination of any sign by other than direction lighting shall be shielded in such a manner so as to illuminate only the face of the sign.

11-1-5 Signs permitted without permits:

No permit shall be required for any of the following signs and the same may be displayed as free standing signs, unless otherwise noted, in any district.

11-1-5.1 Official notices or advertisements posted by any public or Court officer or any trustees under Deeds of Trust, or other similar instruments.

11-1-5.2 One (1) church, school or library bulletin board, or bulletin board for other public or semi-public buildings not exceeding twenty-four (24) square feet in area.

11-1-5.3 "No Trespassing" signs, not exceeding one and one-half (1½) square feet in area, which may be located at the periphery of the property.

11-1-5.4 Signs warning the public of the existence of a clear and present physical danger, posted at the location of the danger, but not containing any advertising material in addition thereto, of whatsoever size as may be necessary.

11-1-5.5 Informational or directional signs or historic markers, erected by a public agency or under authorization by a public agency, which shall not be restricted as to their location.

11-1-5.6 Any flag, badge, or insignia customarily displayed by any government or governmental agency or by any charita-

ble, civic, fraternal, patriotic, religious or similar organization, and customary temporary lighting and displays as part of holiday decoration.

11-1-5.7 One "For Sale, Rent, or Lease" sign not exceeding a total area of three (3) square feet which may not be illuminated.

11-1-5.8 Directional signs, for the purpose of giving only directions and distances to public and quasi-public institutions, churches, community buildings, tourist houses and hotels located in A, R, and RA districts and unlighted directional real estate "For Rent" or "For Sale" signs, not exceeding one and one-half (1½) square feet in area, provided that said real estate directional signs are displayed only on Fridays, Saturdays, Sundays and legal holidays, and that not more than one sign for each real estate agency shall be displayed in any one street intersection, but not on utility poles or trees, nor on or adjacent to any other public lands, such as school sites, recreation fields, parks, parkways and median strips. Every said directional "For Rent" or "For Sale" sign posted on public rights-of-way shall contain the name of the real estate company or agency which caused the sign to be posted.
(Ord. of 6-12-1996)

11-1-5.9 One name plate identifying a single family dwelling, its occupant, or its location, or a home professional office (but not a home occupation) not exceeding one and one-half (1½) square feet in area.

11-1-5.10 Lettered window signs in "C" and "M" districts, not exceeding twenty percent (20%) of the area of the window.

11-1-5.11 One "Entrance" or "Exit" sign at each vehicular entrance to and exit from a parking lot, not to exceed six (6) square feet.

11-1-5.12 One sign not to exceed twenty-four (24) square feet in area and non-illuminated for farm identification.

11-1-6 Sign permits:

A sign permit shall be obtained from the zoning administrator before any sign or advertising structure is erected, displayed, replaced, or altered so as to change its overall dimension (except any sign listed 11-1-5). Every application for a sign permit shall be accompanied by plans showing the area of the sign, the size, character, and color of letters, and design proposed; and the method of illumination, if any; and the exact location proposed for the sign. Every sign for which a permit is issued shall have the permit number and the date of issuance affixed thereon in letters one inch high at the bottom right hand corner. A fee, in such amount as may be set, from time to time, by the Board of Supervisors, shall be paid for any sign permit.

(Ord. of 10-6-1981)

11-1-7 Signs permitted by sign permits:

11-1-7.1 One larger for sale sign advertising the prospective sale, rental, lease, or trade of land and buildings (including dwelling units therein) may be erected as a free standing sign not exceeding twelve (12) square feet in area.

11-1-7.2 One subdivision development sign not exceeding twenty (20) square feet in area and located therein adjacent to one street bounding said development; provided that no said sign shall be displayed for a longer period than one year after the first offering for sale of property in the subdivision to which said sign pertains.

11-1-7.3 Neighborhood signs giving the place name and established neighborhood or community, and direction to the location of features in said neighborhood or community, may be displayed in said neighborhood or community or at not more than one entrance thereto on each street bounding the same. No said sign shall exceed an overall height of six (6) feet nor have an area exceeding twenty (20) square feet. The overall area of the sign structure shall not exceed fifty (50) square feet.

11-1-7.4 One "Opening", "Going Out of Business" or similar sign advertising the

opening of a new place of business or the change in management or ownership of an established place of business whether said sign is displayed from the exterior or interior of a building, not exceeding twenty (20) square feet in area. Any said sign shall be displayed for a period not exceeding thirty (30) days.

11-1-7.5 One building name sign may be displayed for buildings permitted in A, R, or RA districts, other than one-family dwellings, as follows: A sign area for residential buildings to be computed on the basis of one-quarter square foot per dwelling unit, with a maximum sign area for any permitted building of twenty-four (24) square feet, provided that no sign identifying a boarding house or a rooming house shall exceed three (3) square feet in area. (Ord. of 6-12-1996)

11-1-7.6 Construction signs, including "for rent" or "lease" signs, for buildings other than one-and two-family dwellings not exceeding 32 square feet of sign area for each two hundred (200) feet of street frontage or part thereof. Said signs shall be of a temporary nature and no said sign shall be displayed following one year after the issuance of any occupancy permit for buildings on the premises.

11-1-7.7 Other signs specifically authorized herein or regulated by the governing body as a part of any required use permit.

11-1-7.8 Real estate directional signs, and unlighted directional real estate "For Rent" or "Sale" signs, not exceeding one and one-half (1½) square feet in area, not limited as to the day of the week displayed, provided that not more than one sign for each real estate agency shall be displayed in any one street intersection, but not on utility poles or trees, [and] not on or adjacent to any other public lands, such as school sites, recreation fields, parks, parkways and median strips. Every said directional "For Rent" or "Sale" sign posted shall not be placed in such a fashion as to constitute a "vision obstruction" at street intersections.

11-1-7.9 Signs identifying permitted produce or wayside stands from each direction may be placed to identify wayside stands. Such signs must be placed at least five hundred (500) feet, but no more than two thousand five hundred (2,500) feet, from the entrance to the wayside stand. Such signs may not be lighted and may not be placed in R Districts. Additionally, the signs must designate whether the stand is open or closed; or they must be hinged or designed in such a way that they can be closed, covered or removed so that a message is displayed only during operating hours of the wayside stand. Such signs may require a permit from the Virginia Department of Transportation and must be located outside of the VDOT right-of-way.

(Ord. of 11-3-1993)

Editor's note—Amendment of 11-3-1993 added Subsection 11-1-7.9 to allow for limited off-site signs advertising produce stands.

11-2. Prohibited signs.

The following types of signs are prohibited:

11-2-1 Moving signs or devices:

Any moving sign or device to attract attention whether or not any said device has written message content, of which all or any part moves by any means, including fluttering, rotation or otherwise moving devices, or set in motion by movement of the atmosphere (including but not limited to pennants, flag, propellers, discs, etc); provided, however, that moving signs associated with the opening of new or different business may be permitted for a period not exceeding fifteen (15) days; a sign permit shall be required for any said sign.

11-2-2 Flashing signs or devices:

Any flashing sign or device displaying flashing or intermittent lights or lights of changing degrees of intensity, except a sign indicating time and/or temperature, with changes alternating on not less than a five (5) second cycle.

11-2-3 Signs on public land:

Any sign on public land, other than those erected at the direction of a public authority and those otherwise authorized herein, any sign that obscures a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.

11-2-4 Illuminated tubing or strings of lights:

Any illuminated tubing or strings of lights outlining property lines or open sales areas, roof lines, doors, windows, or wall edges of any buildings, provided that perimeter shielded down lighting may be used to illuminate open sales areas.

11-2-5 "Stop" or "Danger" signs:

Any sign that uses the word "Stop" or "Danger" or otherwise presents or implies the need or requirement of stopping or caution of the existence of danger or which is a copy of, imitation of, or which for any reason is likely to be confused with, any sign displayed or authorized by public authority.

11-2-6 Obstructive signs:

Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building.

11-2-7 Non-shielded illumination:

Any non-shielded illumination of a sign within two hundred (200) feet of an A, R, or RA District.

(Ord. of 6-12-1996)

11-2-8 Portable signs:

Any portable sign, including any sign displayed on a vehicle when used primarily for the purpose of such display.

11-2-9 Signs in violation of Virginia law:

Any sign that violates any provision of any law of the Commonwealth of Virginia relating to outdoor advertising.

11-2-10 Others:

Any other sign not expressly permitted by this Ordinance.

11-3. Signs in all Commercial and Industrial Districts.

The limitations as to number and area of signs in Commercial and Industrial districts shall apply separately to separate establishments, with the area of signs computed on the basis of the actual width of building frontage occupied by the particular establishment. Commercial signs identifying products or services available on the premises or advertising a use conducted thereon may be displayed in Commercial and Industrial districts under the conditions and to a maximum aggregate area of all signs as follows:

11-3-1 Sign area:

The maximum aggregate area of all signs shall be three (3) square feet for each foot of width of the front wall of the building.

11-3-2 Secondary entrance signs:

In addition, one sign, not exceeding six (6) square feet in area, may be erected to identify secondary entrances to a building from a pedestrian way, from an alley, or from an automobile parking space.

11-3-3 Unified shopping center:

In addition, in a unified shopping center in single ownership or control, where business establishments have common walls, one place name sign for each establishment, not exceeding a sign area of three (3) square feet per sign may be suspended from a common canopy ceiling, and one shopping center name sign may be displayed not exceeding a maximum area of one-quarter square foot for each foot of common building width.

11-3-4 Automobile service stations:

In addition, an automobile service station may display signs on a group of pumps not exceeding an aggregate area of twelve (12) square feet for each pump island; cloth or paper signs relating to price may be displayed without permit. Authorized establishments may display not more than one sign not exceeding nine (9) square feet in area per face indicating state inspection service.

11-3-5 Maximum area where use of lot is use of land:

The maximum aggregate area of all signs on any lot, the use of which consists primarily of the use of land, shall be two (2) square feet for each foot of frontage of the lot with a maximum of fifty (50) square feet conforming to the following free standing sign regulations.

11-3-6 Free-standing signs:

One free standing sign not exceeding fifty (50) square feet may be located on a lot with a front of one hundred (100) feet or more, not to exceed two (2) display faces, with the interior angle between them not exceeding forty-five (45) degrees. In the case of a corner or a through lot with a minimum frontage of twenty-five (25) feet, a free standing sign may be erected for each street frontage, the area of which shall not exceed fifty (50) square feet. The total sign area of such free standing sign or signs shall be included in the maximum area of sign display permitted on the lot. No more than seventy-five percent (75%) of the maximum sign area allowed shall be used for free standing signs.

11-3-7 Side-or rear-wall signs:

On that side or rear wall of commercial buildings which abuts a public street or parking lot. For buildings located on corner lots or lots abutting streets at both the front and rear, or for buildings served by an abutting parking lot of not less than sixty (60) feet in width located to the side or rear of the main buildings:

11-3-7.1 On side walls in all Commercial and Industrial districts, the maximum aggregate area of all signs, including signs which may be "projecting" signs (as permitted and regulated under Subsection 11-3-1) shall be one-half ($\frac{1}{2}$) of the maximum aggregate area of signs permitted on the front wall of that building.

11-3-7.2 On rear walls in Business and Industrial districts, one sign for each establishment as follows:

- a. If said sign is within one hundred (100) feet or across a street from an A, R, or RA District, the area of each sign shall not exceed one-half ($\frac{1}{2}$)

square foot for each foot of width of said wall.

(Ord. of 6-12-1996)

- b. If situated other than as specified in the preceding paragraph, the area of each sign shall not exceed one square foot for each foot of width of said wall.

all applicable requirements of this section. This section shall not be construed to prevent the repair or restoration to a safe condition of any part of an existing sign when damaged by storm or other accident. This section shall not be construed to prevent the replacement, renovation or repair (but not the relocation) of a sign of the same size depicting the same use of the premises that existed immediately prior to the replacement, renovation or repair.

11-4. Signs in industrial districts.

11-4-1 Outdoor advertising signs, billboards and poster panels as separate uses:

11-4-1.1 Maximum area of any one sign structure: Not to exceed three hundred (300) square feet on each sign face; said sign structures may be single or double faced.

11-4-1.2 Maximum length of any sign structure: not to exceed thirty (30) feet.

11-4-1.3 Maximum height: Fifteen (15) feet measured from the nearest street grade line. There shall be no required minimum height.

11-4-1.4 Minimum distance from lot lines: No part of any structure shall be located nearer than a distance of two hundred (200) feet from:

- a. Any lot line of any lot in any A, R, or RA District.
(Ord. of 6-12-1996)
- b. Any right-of-way line of any street having a right-of-way width of one hundred (100) feet or more.

11-4-1.5 There may be no more than 150 square feet of sign structure on each one hundred (100) feet of lot front with one additional 150 square feet of sign structure allowed for each additional one hundred (100) feet of lot.

11-5. Sign replacement, renovation and repair.

No sign heretofore approved and erected shall be repaired, altered or moved, nor shall any sign, or part thereof, be reerected, reconstructed, rebuilt or relocated unless it is made to comply with

ARTICLE 12. NONCONFORMING BUILDINGS AND USES

12-1. Nonconforming buildings.

12-1-1 Maintenance permitted:

A nonconforming building or structure may be maintained, except as otherwise provided in this Article.

12-1-2 Repairs; alterations:

Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alteration shall be made, except those required by law or ordinance.

12-1-3 Additions; enlargement; moving:

12-1-3.1 A nonconforming building or structure shall not be added to or enlarged in any manner unless such building or structure, including such additions and enlargement, is made to conform to all the regulations of the district in which it is located.

12-1-3.2 A building or structure which does not comply with the height or area regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the district in which it is located, provided that the total aggregate floor area included in all such separate additions and enlargements does not exceed fifty percent (50%) of the floor area contained in said building or structure, at the time this ordinance became effective.

12-1-3.3 A building or structure lacking sufficient automobile parking space in connection therewith, as required in Article 10, may be altered or enlarged, provided that additional automobile parking space is supplied to meet the requirements of Article 10.

12-1-3.4 No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the district in which it is located.

12-1-3.5 Legal non-conforming (grandfathered) mobile homes may be replaced provided that all of the following provisions are met:

- a. The replacement home must be equal or smaller in size than the existing home. The zoning administrator may waive this requirement upon making a written finding that a slightly larger home could be accommodated on the site and would not be detrimental to neighboring properties.
- b. The replacement home must be newer than the existing home and in all cases must have been manufactured later than October 29, 1984.
- c. The replacement home must be in the exact location of the existing home, unless the zoning administrator finds that relocation would result in further conformance with current setback and yard regulations. In all cases, the replacement home must be located on the same lot as the existing home which must be removed.
- d. The replacement home shall be subject to the requirements of Article 28-2-1.1 and 28-2-2.2.
- e. A building permit must be obtained prior to removal of the existing home and placement of the new home.
(Ord. of 10-4-1994)

Editor's note—The amendment of 10-4-1994 added Sec. 12-1-3.5.

12-1-4 Restoration of damaged buildings:

A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, to the extent of not more than seventy-five percent (75%) of its value, exclusive of foundations at that time, may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such partial destruction may be continued or resumed, provided that the total cost of such restoration does not exceed seventy-five percent (75%) of the value,

exclusive of foundations of the building or structure at the time of such damage, and that such restoration is started within a period of one year and completed within two (2) years. In the event that such damage or destruction exceeds seventy-five percent (75%) of the value, exclusive of foundations of such nonconforming building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the district in which it is located, with the following exception: Single-family dwellings so damaged may be replaced in kind, with no increase in size of any kind if replaced within the above time frame. In no case shall any structure, including single-family dwellings, be reconstructed in violation of the provisions of Article 8A of this Chapter.

12-1-5 One-year vacancy:

A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be occupied, except by a use which conforms to the use regulations of the district in which it is located.

12-1-6 Permits:

All nonconforming uses shall obtain a certificate of occupancy within ninety (90) days after the adoption of this Article. Such certificate shall be issued promptly upon the written request of the owner or operator of a nonconforming use.

The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this Article may proceed, provided that such building is completed and use established therein within one year or such use of land established within thirty (30) days after the effective date of this Article.

(Ord. of 8-6-1991)

12-2. Nonconforming use of buildings.

12-2-1 Continuation and change of use:

Except as otherwise provided in this Article:

12-2-1.1 The nonconforming use of a building or structure, existing at the time this Chapter became effective, may be continued;

12-2-1.2 The use of a nonconforming building or structure may be changed to a use of the same or more restricted classification, but where the use of a nonconforming building or structure is hereafter changed to a use of a more restricted classification, it shall not thereafter be changed to a use of a less restricted classification; and

12-2-1.3 A vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the effective date of this Chapter, and the use of a nonconforming building or structure which becomes vacant after the effective date of this Article may also be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the building becomes vacant.

12-2-2 Expansion prohibited:

A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed, except to a conforming use. If such a nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located.

12-3. Nonconforming use of land.

12-3-1 Continuation of use:

The nonconforming use of land, existing at the time this ordinance became effective, may be continued, provided:

12-3-1.1 That no such nonconforming use of land shall be expanded or extended further on to either the same or adjoining property.

12-3-1.2 That if such non-conforming use of land or any portion thereof is discontin-

ued or changed, any future use of such land shall be in conformity with the provisions of this ordinance.

12-3-1.3 That any sign, billboard, commercial advertising structure or statuary, which is lawfully existing and maintained at the time this ordinance became effective, may be continued, although such use does not conform with the provisions hereof; provided, however, that no structural alterations are made thereto.

12-3-1.4 Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance shall be allowed up to two (2) years after adoption of this ordinance in which to completely screen all portions of the operation reserved for the storage, whether temporary or permanent, of inoperable motor vehicles or portions thereof, on any side open to view from a public road, by use of buildings, a masonry wall, a uniformly painted solid board fence or evergreen hedge, or equally effective device seven (7) feet in height.

Before any allowable proposed improvement which requires a building permit can be made to an automobile graveyard or junkyard in existence at the time of the adoption of this ordinance, a site plan which meets all standards outlined in Article 20 of the Zoning Ordinance must be approved. All setback requirements and other bulk regulations of the zoning district in which it is located shall be applicable.

(Ord. of 12-1-1992)

Editor's note—Amendment of 12-1-1992 (1) § 12-3-1 deletes words "where no main building is involved"; (2) § 12-3-1.1 deletes "in any way" and adds "further on to" after "extended"; (3) § 12-3-1.4 adds "all portions of the operation reserved for the storage, either temporary or permanent, of inoperable vehicles or portions thereof" after "screen", deletes "in operation" after "road", and adds "or equally effective screening device" after "evergreen hedge". Also, an additional paragraph was added to § 12-3-1.4, which allows construction of additional buildings at automobile graveyards and junkyards and requires a site plan for such improvements.

12-4. Non-conforming due to reclassification.

The foregoing provisions of this Article shall also apply to buildings, structures, land, or uses

which hereafter become nonconforming due to any reclassification of districts under this ordinance or any subsequent change in the regulations of this ordinance.

ARTICLE 13. ADMINISTRATION

13-1. Zoning Administrator generally.

This ordinance shall be enforced by the zoning administrator. No building or other structure shall be erected, reconstructed, enlarged, moved or structurally altered without an appropriate permit therefor, and no structure shall be used, and the use of any land or building shall not be changed, without a certificate of occupancy therefor approved or issued by the zoning administrator. The zoning administrator shall in no case approve or grant a permit or certificate of occupancy for the construction, alteration, use or change of use of any building or land if the building or land as proposed to be constructed, altered or used would be in violation of this ordinance.

Cross references—Zoning administrator to serve as clerk to Planning Commission, § 2-20; zoning administrator to enforce erosion and sediment control ordinance, § 8-4.

13-2. Notice of violations.

If the zoning administrator finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall take any other action authorized by law to insure compliance with, or to prevent violation of, its provisions.

ARTICLE 14. INTERPRETATION

14-1. District boundaries.

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts, as shown on the zoning map, the following rules shall apply:

14-1-1 Boundaries following center lines:

Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, railroad main tracks, such center line, or lines at right angles to such center lines, shall be construed to be such boundaries as the case may be.

14-1-2 Boundaries following bodies of water:

Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

14-1-3 Other boundary determinants:

If no distance, angle, curvature description of other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the zoning administrator by using the scale shown on said zoning map. In case of subsequent disputes, the matter shall be referred to the Board of zoning appeals which shall determine the boundary.

14-2. Permitting other uses.

Other uses of the same general character as those cited in a particular classification may be permitted in the mapped districts of that classification by the zoning administrator. Any use so determined shall be regarded as a listed use and a log of all said determinations shall be maintained as a part of the public records of the zoning

administrator. In no instance, however, shall a use be permitted in a district when said use is first permitted in less restrictive classifications.

ARTICLE 15. BUILDING PERMITS

15-1. Required.

No excavation shall be commenced; no wall, structure, premises or land shall be used; no wall, building or structure or part thereof shall be built, constructed or altered; nor shall any building be moved; nor shall any regulated sign be erected, repaired or repainted until application has been made and the proper approval or permit has been obtained from the zoning administrator.

15-2. Application.

All applications for building permits shall be accompanied by the appropriate fee as prescribed by separate action of the Board of Supervisors (see § 2-2 of this Code) and accurate plot plans in triplicate drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the structures and accessory structures then existing, and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each structure or part thereof, the number of dwelling or housing units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.

Editor's note—The words "shown on the next page" were removed and "as prescribed by the Board of Supervisors (see § 2-2 of this Code)" inserted; no change in substance made.

15-3. Not to issue in certain cases.

No permit shall be issued for the erection of any permanent structure intended for residential, commercial or industrial use, nor shall any such structure be erected on land in such proximity and relative elevation to an open stream or drainage channel when the surface of such land is subject to periodic or recurring flooding from storm water, or subject to the danger of erosion of the land underlying such structure. This provision shall not apply to the erection of fences or similar appurtenances. Nothing herein provided shall be so construed as to prohibit the owner of such land from lawfully filling, draining or otherwise improving the land.

15-4. Topographic survey may be required.

In order to determine whether or not a permit should be issued under this Article, the zoning administrator in appropriate cases may require that the application for a building permit be accompanied by a topographic survey of the lot showing existing and proposed grades.

ARTICLE 16. CERTIFICATES OF OCCUPANCY

16-1. Required; issuance; contents; fee.

Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law and of all County ordinances and regulations. No occupancy, or change of occupancy, use or change of use of any land or building shall take place until a certificate of occupancy shall have been issued by the zoning administrator. This provision shall include a new building, an existing building which has been altered, the use of vacant land, a change in the use of land or of a building or change in a nonconforming use. Said certificate shall be issued within ten (10) days after a written request for the same has been made to the zoning administrator, provided that it has been determined that such occupancy, use, erection or alteration of such building or land or part thereof has been completed in conformity with the provisions of this ordinance. The fee for such certificate of occupancy shall be as set, from time to time, by the Board of Supervisors and shall be payable to the Treasurer.

(Ord. of 10-6-1981)

ARTICLE 17. USE PERMITS

17-1. Authority to issue.

17-1-1 Basis for issuance: Use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this ordinance, provided that the governing body, upon a recommendation by the Planning Commission, shall find that after a duly advertised hearing, the use will not:

17-1-1.1 Affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use.

17-1-1.2 Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

17-1-1.3 Be in conflict with the purposes of the Comprehensive Plan of the County of Culpeper.

17-1-2 Use permit conditions: In granting any use permit, the governing body shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

[17-1-2.1.] Reserved.
(Ord. of 2-3-1998)

Editor's note—Amendment of 2-3-1998 deleted section [17-1-2.1] *Conditions for land application of sludge* in its entirety. Section 17-5 *Regulation of Infrequent Land Application of Biosolids* was adopted in its place.

17-2. Application.

Every application for a use permit shall be accompanied by a fee in such amount as is set, from time to time, by the Board of Supervisors. The application shall be filed in writing with the zoning administrator at least thirty (30) days prior to review by the Planning Commission, and no more than ninety (90) days prior to the public hearing before the governing body, unless a recommendation is made by the Planning Commission.

(Ords. of 10-6-1981; 3-3-1987)

17-2.1. Repealed.

(Ords. of 12-12-1989, 8-3-1999)

Editor's note—Section 17-2.1 was repealed in its entirety by the ordinance of 8-3-1999, since the language of this section is substantially repeated in section 17-5, making this section redundant.

17-3. Time limit on construction or operation; renewal of special use permits.

Construction or operation shall be commenced within one year of date of issuance or three (3) years for package sewer treatment plants (see Chapter 14, section 14-25, Culpeper County Code). Otherwise, the use permit becomes void unless otherwise extended in accordance with the provisions hereof.

(Ord. of 5-6-1997)

Editor's note—Ordinance of 5-6-1997 amended this section to allow up to three (3) years to commence construction or operation of a package sewer treatment plant, consistent with section 14-25 of this Zoning Ordinance. The one year limitation remains in effect for all other use permits.

17-3-1 Application to Board of Supervisors: Within one year of the issuance of the original special use permit, or within one year of the anniversary of the extension date of any special use permit extended in accordance with the provisions hereof, the applicant may apply to the Board of Supervisors for an extension of the special use permit and any related site plan.

17-3-2 Causes for granting extensions: The Board may grant one year extensions of a special use permit and any related site plan upon receipt of an application as set forth above, if the Board finds that construction or operation did not commence because of a delay occasioned by the approval required of any state or federal agency or delay attributable to the issuance of any plan or permit required by any state or federal agency.

17-3-3 Effective date: The provisions of this section shall apply to any special use permit and related site plan validly in effect on or after January 1, 1995. As to any special use permit and related site plan validly in effect on January 1, 1995, the applicant may apply for renewal on or before December 31, 1995, notwithstanding the provisions of Subsection 17-3-1.
(Ord. of 1-3-1995)

Editor's note—Amendment of 10-3-1995 added the provisions relating to the renewal of special use permits and their related site plans, Subsections 17-3-1, 17-3-2 and 17-3-3.

17-4. Limitation on consideration of application.

No application for a use permit for the same lot shall be considered by the governing body within

a period of one year from its last consideration. This provision, however, shall not impair the right of the governing body to propose a use permit on its own motion.

17-5. Reserved.

Editor's note—An ordinance adopted Nov. 5, 2003 deleted § 17-5 which pertained to regulations of infrequent land application of biosolids and derived from Ord. of Feb. 3, 1998; and Ord. of Aug. 3, 1999.

17-6. Standards for Telecommunication Antennas and Towers.

17-6-1 Definitions: The following definitions shall apply in this section 17-6.

17-6-1.1 Alternative Tower Structure shall mean man-made trees, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

17-6-1.2 Antenna shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

17-6-1.3 FAA shall mean the Federal Aviation Administration.

17-6-1.4 FCC shall mean the Federal Communications Commission.

17-6-1.5 Height, when referring to a tower or other structure, shall mean the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

17-6-1.6 Tower shall mean any structure used for the purpose of supporting one or more antennas or microwave dishes, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, alternative antenna support structures such as buildings and rooftops, and other existing support structures.

17-6-2 Purposes, Goals and Application:

17-6-2.1 Purpose and goals. The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to: (1) encourage the location of towers in non-residential areas and minimize the total number of towers and tower sites throughout the community; (2) encourage strongly the joint use of new and existing tower sites; (3) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (4) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and (5) to provide adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the County. This ordinance is intended to comply with all federal and state regulations.

17-6-2.2 General Applicability; Special Use Permit Required. The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at greater than, the maximum height in the Zoning District in which they are to be located. A special use permit shall be required for such towers and antennas. No variance for such uses shall be required or will be appropriate.

17-6-2.3 Amateur Radio and Receive-Only Antennas. This section 17-6 shall not govern any tower, or the installation of any antenna, that is (1) less than the maximum height allowable in the Zoning District in which it is located and is owned and operated by a federally-licensed amateur radio station operator or is (2) used exclusively for receive only antennas. In addition, notwithstanding anything herein to the contrary, this section 17-6 shall not be construed or enforced to restrict amateur radio antenna height to less than two hundred (200) feet above ground level as

permitted by the FCC, or to restrict the number of amateur radio antenna support structures.

17-6-2.4 Existing Structures and Towers. The placement of an antenna on an existing structure such as a building, sign, light pole, silo, water tank, or other free-standing non-residential structure or existing tower constructed before February 2, 1999, or which has been previously approved by the County shall be permitted provided the addition of the antenna shall not add more than twenty (20) feet in height to the structure or tower and provided, however, that such permitted use may include the placement of additional buildings or other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use and further provided that such permitted increase in height does not result in a change in the lighting status.
(Ord. of 3-6-2001)

17-6-3 Use Regulations, General Guidelines and Requirements:

17-6-3.1 Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses when considering area requirements on a given lot or parcel of land. A different existing use or an existing structure on the same lot or parcel shall not preclude the installation of an antenna or towers on such lot or parcel. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, and other such requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed, and antennas that are installed, in accordance with provisions of this section 17-6 shall not be deemed to constitute the expansion of a nonconforming use or structure.

17-6-3.2 Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Culpeper County Planning and Zoning Department an inventory of the existing facilities owned, operated or under the effective control of the applicant, the applicant's parent company or any of its affiliates that are either within Culpeper County or within five (5) miles of the border thereof, including specific information about the location, height, and design of each tower. The planning and zoning department may share such information with other applicants applying for approvals or special use permits under this ordinance or with other organizations seeking to locate antennas within Culpeper County, provided, however that the planning and zoning department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

17-6-3.3 Design, Aesthetics and Lighting. The guidelines set forth in this section shall govern the location of all towers and the installation of all antennas governed by this ordinance; provided, however, that the Board of Supervisors may waive any of these requirements if it determines that the goals of this ordinance are better served thereby.

- a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
- b. At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and the built environment.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a

neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- d. Towers shall not be artificially lighted, unless required by the FAA, the Board of Supervisors, or other applicable authority. If lighting is required, the lighting shall be designed in a manner which would cause the least disturbance to the surrounding views, and comply with FAA guidelines.
- e. No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.
- f. Towers shall be designed to collapse within the lot lines or parcel boundaries in case of structural failure.
- g. Towers shall be located a minimum of one mile from any designated Virginia Scenic Byway. This provision shall not apply to Emergency Communication Towers.

(Ords. of 10-3-2000; 2-6-2001(4))

Editor's note—The ordinance of 10-3-2000 deleted former Subsection f, and added a new Subsection g.

17-6-3.4 Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for revocation of the use permit and the removal of the tower or antenna at the owner's expense.

17-6-3.5 Building Codes. To ensure the structural integrity of towers, the owner

of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.

17-6-3.6 Information Required. Each applicant requesting a special use permit under this section 17-6 shall submit the following information and documentation.

- a. A scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Planning Commission or the Board of Supervisors to be necessary to assess compliance with this ordinance. Additionally, applicant shall provide actual photographs of the site from relevant views designated by the County that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the mid-ground and the background of the site.
- b. An engineering report, including a structural analysis stating the load bearing capability of the tower must be submitted by the applicant. In addition for all towers in PCTDA locations, such report shall certify that the proposed tower is compatible for co-location with a minimum of six (6) similar users including the primary user, must be submitted by the applicant.

(Ord. of 10-3-2000)

Editor's note—The ordinance of 10-3-2000 added the second clause to the first sentence, the first clause to the second sentence and increased the minimum number of co-location users required.

- c. The applicant shall provide copies of their co-location policy.
- d. The applicant shall provide copies of propagation maps demonstrating that proposed antenna locations, including possible co-locator antenna locations, are no higher in elevation than necessary to provide the desired coverage.
- e. The applicant shall provide a copy of Form 7460-1 which must be filed with the FAA. The applicant must also provide proof of FAA approval and an indication of the lighting requirements imposed by the FAA. (Ord. of 10-3-2000)

Editor's note—The ordinance of 10-3-2000 added Subsection e to this section.

17-6-3.7 Factors Considered in Granting Special Use Permits for New Towers or Poles. The Board of Supervisors shall consider the following factors in determining whether to issue a special use permit, although the Board of Supervisors may waive or reduce the burden on the applicant of one or more of these criteria if it concludes that the goals of this ordinance are better served thereby.

- a. Height of the proposed tower or pole;
- b. Proximity of the tower or pole to residential structures and residential district boundaries;
- c. Nature of the uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower or pole, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress;
- h. Co-location policy;

- i. Language of the lease agreement, particularly any language dealing with co-location;
- j. Consistency with the comprehensive plan and the purposes to be served by zoning;
- k. Availability of suitable existing towers and other structures as discussed below; and
- l. Proximity to commercial or private airports.
- m. Compliance with the goals, objectives and policies set forth in Chapter VI.B of the Culpeper County Comprehensive Plan for Commercial Wireless Technology Facilities. (Ord. of 10-3-2000)

Editor's note—The ordinance of 10-3-2000 added subsection in to this section.

17-6-3.8 Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant clearly demonstrates to the reasonable satisfaction of the Board of Supervisors that no existing tower or structure or an alteration, extension or adaptation thereof can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure or an extension thereof can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements, and cannot be extended, altered or adapted to meet such requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment, and cannot be altered, adapted or reinforced to provide sufficient structural strength.

- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna(s) on the existing towers or structures would cause interference with the applicant's proposed antenna, and further that an extension, adaptation or alteration of the existing towers or structures would not eliminate or reduce such interference within acceptable limits.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to extend, adapt or alter an existing tower or structure for sharing are unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

17-6-3.9 Setbacks. The following setback requirements shall apply to all telecommunications facilities and antennas for which a special use permit is required; provided, however, that the Board of Supervisors may reduce the standard setback requirements if the goals of this ordinance would be better served thereby.

- a. Towers must be set back a distance equal to two hundred percent (200%) of the height of the tower from any off-site residential structure and in no case less than four hundred (400) feet.
- b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

17-6-3.10 Security Fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Board of Supervisors may waive such requirements, as it deems appropriate.

17-6-3.11 Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required, however, the Board of Supervisors may waive such requirements if the goals of this ordinance would be better served thereby.

- a. Telecommunications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.
- b. In locations in which the Board of Supervisors finds that the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the Board of Supervisors may determine that the natural growth around the property perimeter may be sufficient buffer.
- d. Existing trees within one hundred (100) feet of the tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicles or placement of support structures and equipment. Such tree preservation must be assured by including the affected area within the property to be controlled by the owner of the tower.
(Ords. of 10-3-2000; 3-6-2001)

Editor's note—The ordinance of 10-3-2000 lowered the tree preservation area to one hundred (100) feet from two hundred (200) feet and added the last sentence of this subsection.

17-6-3.12 Local Government Access. Owners of towers shall provide the County co-location opportunities as a community benefit to improve radio communication

for County departments and emergency services provided it does not conflict with the colocation requirement of Subsection 17-6-3.6(b). At least one space shall be available for County use on all towers at the time of use permit approval, and in no event shall that space be occupied by another user without providing the County at least sixty (60) days written notice and an opportunity for the County to lease the space at that time.

17-6-3.13 Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the County notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with then-current property owner's approval, provided they remain screened as provided above. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed as required herein, the County may require the property owner to have it removed.

17-6-3.14 Required Yearly Report. The owner of each such antenna or tower shall submit a report to the Culpeper County Planning and Zoning Department once every two (2) years, between June 1 and July 1. Updates of these reports shall be provided at the request of the County at any time, within fifteen (15) days of such a request. The report shall state the current user status of the tower, including an inventory of any leased spaces or antennas on the tower, the details of any such leased spaces or antennas, the owner(s) of any such lease or antennas, and current contact information on such owner(s). The report shall further certify compliance with all then-applicable federal, state and

local laws, regulations, codes and ordinances. Immediate notification shall be given any time that all spaces on the tower are no longer leased.

17-6-3.15 Review Fees. All tower applications shall be referred to a professional engineer for technical review. The fees for such a review shall be paid by the applicant up front, at the time of application. This fee will be in addition to the use permit application fee. The technical review shall be considered by the Planning Commission and the Board of Supervisors in addition to their consideration of land use and other issues. A favorable review does not insure that an application is appropriate.

(Ord. of 10-3-2000)

Editor's note—Amendment of 10-3-2000 completely rewrote this section 17-6-3.15. Amendment of 2-2-1999 added a new section 17-6 to the Zoning Ordinance to establish and set forth standards for telecommunications antennas and towers.

ARTICLE 18. BOARD OF ZONING APPEALS; VARIANCES AND APPEALS

18-1. Board generally.

There shall be created a joint board of zoning appeals, upon the lawful enactment of ordinances by the Board of Supervisors for Culpeper County, Virginia, and the Town of Culpeper, which shall consist of five (5) residents of the County or municipality, consisting of two (2) members from the County of Culpeper, two (2) members from the Town of Culpeper, plus one member from the area at large, to be appointed by the Judge of the Circuit Court for Culpeper County, Virginia. The term of office of each member shall be five (5) years, except that of the two (2) members first appointed from each jurisdiction, the term of one shall be for two (2) years and of the other, four (4) years. Vacancies shall be filled for the unexpired terms. The Secretary of the Board shall notify the Court at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the Court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the Board shall hold no other public office in the County or municipality, except that one may be a member of the local Planning or Zoning Commission. A member whose term expires shall continue to serve until his successor is appointed and qualified. The Board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the County or municipality and general laws of the Commonwealth. The Board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing bodies at least once each year. Within the limits of funds appropriated by the governing bodies, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive such compensation as may be authorized by the respective governing bodies. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the Court which appointed him, after hearing held after at least fifteen (15) days notice. The Board

shall be governed by these provisions and any provisions set forth in § 15.2-2308 of the Code of Virginia, as amended.

18-2. Fees.

Every appeal from a determination of the zoning administrator and every application for a variance shall be accompanied by a fee in such amount as is set, from time to time, by the Board of Supervisors.

(Ord. of 10-6-1981)

18-3. Expiration of variance.

If any variance granted by the Board of zoning appeals is not acted upon and put into effect within one year after the date of such grant, then the variance shall be null and void and of no force and effect.

18-4. Lake Pelham-Mountain Run Lake Watershed.

18-4-1 Requests for hardship, variance or relief:

Any request for hardship, variance or relief of administrative determination in the WMD must acknowledge the existence of the watershed, the study identifying its sensitive characteristics and Article 8C of this Zoning Ordinance which establishes the regulations for management of watershed resources. A grant of hardship or relief shall not be made without assessing the public benefits and prospective watershed impacts of the request and determining that, in fact the public interest would not be compromised.

18-4-2 Method of development: In addition, wherever practical, the style or method of development in the WMD shall be required to represent the best water quality results obtainable. Therefore, variances and appeals should reflect this intent and not result in a development approach that will deteriorate water quality or compromise watershed resources in relation to either pre-development or prevariance standards.

(Ord. of 3-3-1992)

18-5. Administrative variance approval.

In accordance with § 15.2-2286(4) of the Code of Virginia, the Zoning Administrator shall have authority to grant certain variances administratively. Requests which may be approved by the Zoning Administrator and not subject to consideration by the Board of Zoning Appeals shall be limited to setback variances in which the normal setback requirement is reduced by no more than ten (10) percent. In addition, one (1) of the following criteria must be met in order to qualify a variance application for administrative approval:

- (1) The request must involve an addition to an existing, legal non-conforming structure; or
- (2) The request must involve an existing structure, which must not be the subject of a current building permit or of a lapsed building permit under which final inspection approval has not been received.

(Ord. of 1-7-2003)

ARTICLE 19. SUBSTANDARD SUBDIVISIONS*

19-1. Generally.

19-1-1 Regulations: The regulations set out in this Article shall apply to the resubdivision of any subdivision defined as a substandard subdivision by the Subdivision Ordinance, provided that such resubdivision of such substandard subdivision complies with all provisions of the Subdivision Ordinance of the County of Culpeper.

19-1-2 Applicability of provisions: All other provisions applicable to the zoning district in which the property to be resubdivided hereunder lies, not specifically modified by this Article, shall continue to apply.

19-2. Lot area requirements.

No structure shall be erected or placed on a lot or building site in the development of a resubdivision of a substandard subdivision unless such lot or building site complies with the following:

19-2-1 Average lot area: The average area of the lots in such a resubdivision shall be not less than the average area of the lots in the subdivision heretofore lawfully dedicated and recorded, plus one-half ($\frac{1}{2}$) the difference between that average and the average area required for a lot in the zoning district in which the subdivision lies.

19-2-2 Minimum lot area: The minimum lot area in such subdivision shall be not less than ten percent (10%) smaller than the above-described average lot area, except that no lot shall in any case contain an area of less than eight thousand five hundred (8,500) square feet or such greater minimum area as may be required by the County health department.

19-2-3 Minimum lot width: The minimum width of any lot shall be not less than the lot width required in the next less restrictive residential zone in which such subdivision lies. In no case shall any interior lot have a width of less than eighty-five (85) feet, nor shall any corner lot

have either a width or a depth of less than ninety (90) feet. All such widths or depths shall be measured at the setback line.

19-3. Special conditions.

Whenever any subdivision developed as a resubdivision of a substandard subdivision may contain within the boundaries of a subdivision lawfully recorded prior hereto and within the area to be resubdivided one or more undivided parcels of land, as indicated by the general intent of the plat of subdivision as to lot sizes, the total number of lots permitted in the resubdivision of the substandard subdivision shall not exceed the total number of lots in the original subdivision being resubdivided, plus the total number of lots which the existing restrictions applicable to the zoning district in which the land lies would permit in such undivided parcels; provided, that such number of lots within such parcels shall not exceed the number of lots which could have been subdivided within the parcel under the requirements of the next less restrictive residential zone district.

19-4. Building setback line.

The building setback line in resubdivisions of subdivisions developed as substandard subdivisions shall be the same as the building setback line requirements in the zoning district in which the property lies.

19-5. Yards.

19-5-1 Side yards: There shall be on each side of every building a side yard not less than that required in the next less restrictive residential zoning district in which the property lies. In no case, however, shall any side yard be less than ten (10) feet in width.

19-5-2 Rear yards: No part of a building shall be erected within twenty-five (25) feet of the rear lot lines.

*Subdivision Ordinance, App. B.

ARTICLE 20. SITE PLANS

20-1. Purpose.

The purpose of this Article shall be:

- a. To assure compliance with the applicable requirements of this ordinance.
- b. To state the specific additional requirements applicable to the development of land in certain zoning districts.
- c. To prescribe the standards for the preparation and submission of site plan drawings and for the design and construction of required improvements.
- d. To specify the types of development of land use for which submission of a site plan shall be required.
- e. To define and establish the responsibilities of the departments, divisions and other agencies of the County government for site plan processing, review and approval.
- f. To designate the approving and reviewing authorities for the County on site plans and permits relative thereto.
- g. To establish the schedule of fees for site plans.
- h. To provide a system to insure compliance with approved site plans.
- i. To define violations and penalties.
- j. To provide a system of notifying adjoining owners of site plan submission.

(Ord. of 8-6-1974)

20-2. Development or Land Use Requiring Site Plan.

A site plan is required and shall be submitted for:

20-2-1 Multi-use parking spaces:

Any development in which any automobile parking space is to be used by more than one establishment.

20-2-2 Commercial or industrial development:

Any use or development in a commercial (Articles 6.1A, B, C, D, E of Appendix A or Articles 6, 6A of Appendix C of the County Code) or industrial (Articles A.1, 7B.1 of Appendix A or Articles 7, 8 of Appendix C of the County Code) district or any exterior addition or change in any existing residential use or development to commercial or industrial use in the above mentioned districts for the area involved.

(Ord. of 7-1-1997)

Editor's note—Ordinances of 7-1-1997 amended this section to clarify the zoning districts affected by this section.

20-2-3 Religious establishments:

Churches, schools, convents and monasteries.

20-2-4 Special use permit uses:

All uses for which a special use permit is required, with the following exceptions:

- a. tenant units.
 - b. mobile or manufactured homes permitted under Article 28.
 - c. package sewage treatment systems for individual residences.
 - d. bed and breakfasts in existing dwellings.
- (Ord. of 8-6-1974; 7-1-1997)

Editor's note—Ordinance of 7-1-1997 amended this section to add exceptions to the general requirement that all special use permit uses require a site plan.

20-3. Required Information.

20-3-1 Information to be contained in site plan:

Every site plan, as hereinafter provided, submitted in accordance with this Article shall contain the following information:

20-3-1.1 Location of tract by an insert map at a scale of not less than one (1) inch equals two thousand (2,000) feet, indicating scaled coordinates referred to in U.S.C. & G.S. state grid north and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns and magisterial districts or other landmarks sufficient to clearly identify the location of the property.

20-3-1.2 A boundary survey of the tract with an error of closure within the limit of one (1) in ten thousand (10,000) related to the true meridian and showing the location and type of boundary evidence. The survey may be related to U.S.C. & G.S. state grid north if the coordinates of two (2) adjacent corners are shown provided that such information may be provided from recorded plats in case of lots in subdivisions recorded subsequent to the first of May, 1963.

20-3-1.3 Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.

20-3-1.4 All existing and proposed streets and easements, their names, numbers and widths; existing and proposed utilities; water courses and their names; owners, zoning and present use of adjoining tracts.

20-3-1.5 Location, type and size of vehicular entrance to the area.

20-3-1.6 Location, type, size and height of fencing, retaining walls and screen planting where required under the provisions of this ordinance.

20-3-1.7 All off-street parking, loading spaces and walkways; indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with Article 10.

20-3-1.8 Number of floors, floor area, height and location of each building and proposed general use for each building. If a multi-family residential building, the number, size and type of dwelling units.

20-3-1.9 All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to the County or other utility system.

20-3-1.10 Provisions for the adequate disposition of natural and storm water in

accordance with the duly adopted design criteria and grades of ditches, catch basins and pipes and connections to existing drainage system.

20-3-1.11 Existing topography with a maximum of two-foot contour intervals. Where existing ground is on a slope of less than two percent (2%), either one foot contours or spot elevations where necessary but not more than fifty (50) feet apart in both directions.

20-3-1.12 Proposed finished grading by contours supplemented where necessary by spot elevations.

20-3-1.13 All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to be closest to one one hundredth of a foot; and all bearings in degrees, minutes and seconds to the nearest ten (10) seconds.

20-3-1.14 All setback requirements, including front, side and rear yards, and buffer requirements imposed under Section 705 of the Subdivision Ordinance (Appendix B.)

(Ords. of 8-6-1974, 1-3-1995)

Editor's note—The amendment of 1-3-1995 added subparagraph 20-3-1.14.

20-4. Procedure for Preparation.

20-4-1 *Plans to be prepared by authorized persons:*

Site plans or any portion thereof, involving engineering or land surveying, shall be prepared and certified by an engineer, architect, landscape architect or land surveyor duly authorized by the state to practice as such. A site plan may be prepared in one or more sheets to show clearly the information required by this Article and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall clearly indicate where the several sheets join. Every site plan shall show the name and address of the owner or developer, magisterial district, County, state, north point, date and scale of the drawing and the number of sheets. In addition, it shall

reserve a blank space, three (3) inches wide and five (5) inches high, for the use of the approving authority.

20-4-2 Scale and sheet size: Site plans shall be prepared to a scale of one inch equals fifty (50) feet or larger; the sheet or sheets shall be twenty-four (24) inches by thirty-six (36) inches.

20-4-3 Number of copies: Twenty (20) clearly legible, blue- or black-line copies of a site plan shall be submitted to the Zoning Administrator.

20-4-4 Notice required: Any person who submits a site plan for approval under the provisions set forth in this Article shall submit written proof of notification of five (5) property owners in the immediate vicinity of the property involved, two (2) of which property owners shall be adjoining such property. No site plan shall be approved within five (5) days of any such notice. The notification shall read as follows: "This is to notify you that a site plan has been submitted to the Office of the Zoning Administrator, County Office Building, 302 North Main Street, Culpeper, Virginia, 22701 Phone: 727-3404, for approval by the County of Culpeper. This site plan may be reviewed at the above office and is subject to approval after the expiration of five (5) days from receipt of this notice."
(Ords. of 8-6-1974; 5-24-1989; 4-2-2002(2))

20-5. Procedure for Processing.

20-5-1 Responsibilities of the zoning administrator: The zoning administrator is responsible for checking the site plan for general completeness and compliance with such administrative requirements as may be established prior to routing copies thereof to reviewing departments, agencies and officials. He shall see that all reviews are completed on time and that action is taken by the approving authority on the site plan within sixty (60) days, except under abnormal circumstances, from the receipt thereof in his office. All site plans which are appropriately submitted and conform to standards and requirements set forth in this Article shall be approved or rejected by the

Planning Commission after having been reviewed by the zoning administrator relative to:

20-5-1.1 The location and design of vehicular entrances and exits in relation to streets giving access to the site and in relation to pedestrian traffic.

20-5-1.2 The concurrence of the Virginia Department of Transportation for the location and design of the vehicular entrances and exits to and from state maintained streets and highways.

20-5-1.3 The location and adequacy of automobile parking areas.

20-5-1.4 Adequate provisions for traffic circulation and control within the site and providing access to adjoining property.

20-5-1.5 Compliance with the requirements of this ordinance for setbacks and screening.

20-5-1.6 Adequacy of drainage, water supply, fire protection and sanitary sewer facilities.

20-5-1.7 Compliance with applicable established design criteria, construction standards and specifications for all improvements required by a duly adopted resolution of the governing body of the County of Culpeper.

20-5-1.8 The concurrence of County Health Officer or his agents if septic tanks and other sewage disposal facilities other than sanitary sewers are involved.

20-5-1.9 The acceptance by the Culpeper Soil and Water Conservation District of sediment and erosion control plans, site grading and protection of drainage channels and surface water.

20-5-2 Review and approval: All site plans submitted for consideration must be reviewed for completeness, agency concurrence and compliance with this Article by the zoning administrator prior to review by the Planning Commission. Any such application that has been approved, subject to any conditions thereof,

shall be endowed by the Planning Commission with vested rights of development under this Article.

20-5-2.1 Administrative approval: Administrative approval by the zoning administrator shall be all that is required for site plans in which all of the following conditions are met, however, the zoning administrator shall have the authority, at his discretion, to refer any site plan to the Planning Commission for review.

Conditions for administrative approval:

- a. The property is zoned for industrial use.
- b. The proposed use is industrial, and is not subject to a conditional use permit.
- c. The property is designated as industrial on the future land use plan component of the most current Culpeper County Comprehensive Plan.
- d. Water and sewer service is currently available to the site or an alternative method of providing sanitary service to the site is currently available, and all other necessary infrastructure is in place, such that no further review for compliance with the Comprehensive Plan would be required under section 15.2-2232 of the Code of Virginia.

Other Administrative approval: Administrative approval may also be granted for minor (up to ten percent (10%) additional floor space within a three (3) year period) additions or accessory structures on property for which a site plan has been previously approved.

20-5-2.2 Ordinance amendments affecting site plans. Any site plan shall be afforded the opportunity to be completed in accordance with the provisions in effect at the time of application subject to fulfillment of the requirements of all other applicable provisions of this Article. Any applicant denied a site plan, or having a

site plan denied after January 1, 1991, because of a Zoning Ordinance amendment or map amendment made effective following after the official filing date of the site plan request may appeal such a denial to the Board of Supervisors, which may, after a public hearing, approve or amend and approve the requested site plan as a vested plan of development if all of the following elements are established to the Board's satisfaction.

20-5-2.2a Approval would not be detrimental to the health, safety or welfare of the general community.

20-5-2.2b The application is a good faith attempt to achieve a use which was allowable at the time of filing, and was filed as a substantially complete document conforming to the County's requirements, in good faith and diligently pursued towards approval status.

20-5-2.2c The applicant's level of investment in the plan of development is so significant that a denial of the plan would amount to an improper taking of the applicant's property rights. Claims of investment lost or decreased and based solely on the underlying zoning of the property shall not be the basis for any action hereunder which vests the development rights in a parcel of property.
(Ords. of 8-6-1974; 5-24-1989; 5-7-1991; 7-1-1997)

Editor's note—Ordinance of 7-1-1997 allowed administrative review of site plans under certain conditions.

20-6. Required Improvements.

In furtherance of the purposes of this ordinance and to assure the public safety and general welfare, the Planning Commission shall require the following improvements:

20-6-1 Walkways:

The designation of pedestrian walkways so that patrons may walk on the same from store to store or building to building within the site and to adjacent sites.

20-6-2 Curbs, gutters and sidewalks:

The construction of all off-site curbs, gutters and sidewalks and the construction of all off-site road widening to the width as specified on the major thoroughfare plan of the County of Culpeper for the full frontage of the lot or parcel of ground.

20-6-3 Dedication of rights-of-way:

The dedication of all rights-of-way to their width as designated on the major thoroughfare plan of the County of Culpeper for the full frontage of the lot or parcel of ground prior to the processing of any certificate of occupancy by the zoning administrator.

20-6-4 Vehicular travel lanes or driveways:

The construction of vehicular travel lanes or driveways not less than 22 feet in width, which will permit vehicular travel on the site and to and from adjacent parking areas and adjacent property.

20-6-5 Connection of walkways and driveways:

The connection wherever possible of all walkways and driveways with similar facilities on adjacent property.

20-6-6 Screening, fences, etc:

Screening, fences, walls, curbs and gutters as are required by the provisions of this ordinance, other ordinances of the County or by the regulations of the Virginia Department of Transportation.

20-6-7 Screen planting:

Screen planting adequate to screen views effectively within a period of time, with the type and size of the planting to be determined by the Culpeper County Planning Commission. Views to be screened include commercial property, when adjacent to residential, and industrial property, when adjacent to residential or commercial. The rear and side views of industrial property that adjoins a United States highway or a Virginia primary highway shall have screening installed along the full length of such highway frontage. Planting shall be hardy, appropriate for use and location and planted so

as to thrive with normal maintenance as specified by the Culpeper Soil and Water Conservation District.

20-6-8 Easements or rights-of-way for publicly maintained facilities:

Easements or rights-of-way for all facilities to be publicly maintained. Such easement shall be clearly defined for the purpose intended and recorded before approval of the site plan.

20-6-9 Curb gutters:

Curb gutters for driveways that provide vehicular travel to and from adjacent parking areas to adjacent property for the purpose of separating the same from parking areas and walkways.

20-6-10 No-parking signs:

Adequate no-parking signs along such streets, highways or driveways to prohibit parking on such as required by the governing body.

20-6-11 Drainage systems:

Adequate drainage systems for the disposition of storm and natural waters.

20-6-12 Acceptance by County:

Upon satisfactory completion of all off-site improvements, the developer shall take the necessary steps to have said improvements accepted by the County of Culpeper for maintenance.

(Ord. of 8-6-1974)

20-7. Agreement Bond and Fees.

Prior to approval of any site plan, there shall be executed by the owner or developer and submitted with the site plan an agreement to construct such required physical improvements as are located within public rights-of-way or easements or as are connected to any public facility in form and substance as approved by the County, together with a bond with surety or condition acceptable to the County in the amount of the estimated cost of the required physical improvements as determined by the zoning administrator. The aforesaid agreement and bond or condition shall be provided for completion of all work covered thereby within the time to be determined by the zoning

administrator which time may be extended by the governing body upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement. The adequacy, conditions and acceptability of any bond hereunder shall be determined by the zoning administrator designated by resolution by the governing body. In any case where the zoning administrator rejects any such agreement or bond, the owner or developer shall have the right to have such determination made by the governing body, provided the owner or developer has paid to the County a fee for the examination and approval of site plans and the inspection of all required improvements shown on such plans. Such fees shall be determined by the governing body which, by resolution, shall establish or change from time to time a schedule of fees for the examination and approval of site plans and inspection of all required improvements included in such plans. Such fee shall be payable to the Treasurer and deposited to the credit of the general fund.

(Ord. of 8-6-1974)

20-8. Expiration of site plan.

An approved final site plan shall be valid for a period of five (5) years from the date of approval thereof, except that site plans approved in connection with a special use permit shall be valid for so long as the related special use permit is valid, including extensions thereof.

(Ord. of 1-3-1995)

Editor's note—The ordinance of 10-3-1995 deleted the previous section 20-8, entitled "Approval and Extension", and replaced it with the above section, so as to more closely follow the state code.

20-9. Revisions and Waiver.

Any site plan may be revised in the same manner as originally approved, and any requirement of this Article may be waived by the governing body in specific cases where such requirements are found to be unnecessary due to a unique circumstance and where such waiver will not be detrimental to the purpose of this Article.

(Ords. of 8-6-1974; 7-1-1997)

20-10. Appeal.

Appeals of decisions made by the zoning administrator pursuant to the provisions of § 15.2-2299 of the Virginia Code, as may be amended from time to time, shall be made in accordance with the provisions of § 15.2-2301 of the Virginia Code, as may be amended from time to time. All other decisions of the zoning administrator may be appealed in accordance of the provisions of § 15.2-2311 of the Virginia Code, as may be amended from time to time.

(Ords. of 8-6-1974, 9-5-1995)

Editor's note—The amendment of 9-5-1995 repealed previous section 20-10 and enacted the version printed above, so as to bring the Zoning Ordinance into compliance with current law.

20-11. Building Permit.

No permit shall be issued for any structure in any area covered by the site plan that is required under the provisions of this Article except in conformity to such site plan which has been duly approved.

(Ord. of 8-6-1974)

20-12. Inspection and Supervision During Installation.

20-12-1 Construction standards:

Unless specifically provided in this ordinance the construction standards for all off-site improvements and on-site improvements required by this Article shall conform to the County design and construction standards. The zoning administrator or his agent shall approve the plans and specifications for all required improvements and shall inspect the construction of such improvements to assure conformity thereto.

20-12-2 Inspections of off-site improvements:

Inspections during the installation of the off-site improvements shall be made by the zoning administrator for such improvements as required to certify compliance with the approved site plan and applicable County standards.

20-12

CULPEPER COUNTY CODE

20-12-3 Notification prior to start of work:

The owner shall notify the zoning administrator in writing three (3) days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.

20-12-4 Supervision of installation of improvements:

The owner shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman together with one set of approved plans, profiles and specifications available at the site at all times when work is being performed.

20-12-5 Certificate of approval:

Upon satisfactory completion of the installation of the required improvements the owner shall receive a certificate of approval from the zoning administrator on the improvements upon the application for such certificate. Such certificate of approval will authorize the release of any bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof.

20-12-6 Installation not to bind County's acceptance:

The installation of improvements as required in this Article shall in no case serve to bind the County to accept such improvements for the maintenance, repair or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.

(Ord. of 8-6-1974)

20-13. As-Built Site Plan.

Upon satisfactory completion of the installation of required improvements as shown on the approved site plan or a section thereof, the developer shall submit to the office of the zoning administrator seven (7) copies of an "as built" site plan, certified by the engineer or surveyor, one week prior to anticipated occupancy of any building, for the review and approval for conformity with the approved site plan by the appropriate County departments, as designated in this section.

The zoning administrator shall not process the occupancy permit until the appropriate "as built" site plan has been reviewed and approved by the appropriate County departments.
(Ord. of 8-6-1974)

20-14. Occupancy Certificate.

A final occupancy permit may be issued for any appropriately completed building or part of building located in a part of the total area of an approved site plan, such part of the total area to be known as a section, provided:

20-14-1 Other on-site construction and improvements in section completed:

The other on-site construction and improvements in the approved site plan for the section have been completed and have been inspected and accepted by the zoning administrator, the County Health Officer or his agent and a certified as-built site plan has been submitted to the zoning administrator one week prior to the proposed date of occupancy.

20-14-2 Necessary off-site improvements accepted by VDOT:

The off-site improvements related to and necessary to service the section have been completed and inspected and accepted by the Virginia Department of Transportation; and the developer has submitted a certified as-built drawing for the section; or the developer has provided surety acceptable to the Commonwealth Attorney of the County of Culpeper.
(Ord. of 8-6-1974)

20-15. Violations and Penalties.

Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Article or permits any such violation or fails to comply with any of the requirements hereof or who erects any building or uses any building or any land prior to the approval of an "as-built" site plan by the zoning administrator and the appropriate County departments shall be guilty of a misdemeanor and, upon

conviction thereof, shall be subject to punishment as provided by Article 23. Each day such violation continues shall constitute a separate offense.

20-15-1 Unlawful construction or use:

Any building erected or improvements constructed contrary to any of the provisions of this Article or any use of any building or land which is conducted, operated or maintained contrary to any provision of this Article shall be, and the same is hereby declared to be, unlawful. The zoning administrator may initiate an injunction, mandamus or any other appropriate action to prevent; enjoin, abate or remove such erection or use in violation of any provision of this Article. Such action may also be instituted by any property owner who may be particularly damaged by any violation of any provision of this Article.

20-15-2 Notice and remedies:

Upon his becoming aware of any violation of this Article the zoning administrator shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the zoning administrator has specified he shall institute such action as may be necessary to terminate the violation. The remedies provided for in this Article are cumulative and not exclusive and shall be in addition to any other remedies provided by law.
(Ord. of 8-6-1974)

ARTICLE 21. TRUNK THOROUGHFARE SETBACKS AND FUTURE STREET LINES*

21-1. Finding of necessity.

In order that the Comprehensive Land Use Plan embodied in this Article shall be property related to a comprehensive plan of thoroughfares for the County, and to assure that the continuing intensification of land use in the foreseeable future will not result in the erection of buildings in locations which will unduly restrict vehicular traffic capacity, it is hereby determined that building setbacks greater than those set forth in the regulations for the respective districts established by this Ordinance are required for buildings adjacent to certain thoroughfares within the County. It is further determined that, in furtherance of this foregoing policy, future street lines may also be required.

21-2. Authority of governing body; approval of maps by Planning Commission.

Both the building setback lines and future lines referred to in section 21-1 may be specified by the County by the governing body from time to time and shall be shown on a map adopted by the governing body which may also amend any such map from time to time. Before taking any of the foregoing action, the governing body shall refer the proposed map or proposed amendment thereto to the Planning Commission for its recommendations thereon, and shall hold a public hearing on the proposal in accordance with the same procedure as that specified by law in connection with amendments of this Ordinance. Any such map adopted under the provisions of this Article shall be recorded in the office of the Clerk of the Circuit Court.

21-3. Future street lines to be used in application of regulations.

After the designation of future street lines for any streets as specified in the preceding section,

***Editor's note**—On February 2, 1971, the Culpeper County Board of Supervisors adopted a major thoroughfare plan which requires an 85 foot setback from the state right-of-way line, on both sides of state route 29, beginning at the corporate limits of the Town of Culpeper and running to the Madison County line.

all distances specified in any of the regulations contained in this Ordinance with reference to street lines shall be measured from the future street lines for such street. If any future street lines designated as aforesaid are located other than in relation to an existing street, such lines shall be deemed to be street lines for the purpose of the application of the provisions of this Ordinance.

ARTICLE 22. AMENDMENTS

22-1. Procedure.

The governing body may from time to time amend, supplement, change, modify or repeal the requirements and/or districts herein established on its own motion or on a petition of the owner(s) or contract owner(s) of the property proposed for a change.

22-1-1 Application to be in writing:

Every application by a property owner for such amendment shall be filed in writing with the zoning administrator not less than thirty (30) days before a public hearing of the Planning Commission accompanied by a fee in such amount as is prescribed, from time to time, by the Board of Supervisors. The Planning Commission shall provide a recommendation to the governing body no more than sixty (60) days following the commission hearing. The governing body shall provide for a public hearing for all such changes and amendments at its monthly meeting.

(Ord. of 3-3-1987)

22-1-2 No reconsideration in less than one year:

No application for any change of zoning of the same lot shall be considered by the governing body within a period of one year from its last consideration by the governing body. This provision, however, shall not impair the right of the governing body to propose a change of zoning on its own motion.

22-1-2(A) Calculating Twelve (12) Month Application Limitation:

The twelve (12) month application time limitation of Virginia Code § 15.2-2286(7) shall be calculated from the date of filing of the application, excluding any and all tablings, delays, continuances, deferrals, or similar requests for extensions of time made by the applicant(s) and granted during the application process.

22-1-2(B) Time Limitation on Filing Application After Withdrawal:

Should an applicant withdraw an application subject to Zoning Article 22 — Amendments, another application, subject to Zoning Article

22 — Amendments, for the same lot(s) shall not be filed within six months of the date of withdrawal of the original application, as amended. This limitation does not apply to the County of Culpeper.

22-1-3 Public hearing by Planning Commission:

The Planning Commission shall hold at least one public hearing on such proposed amendment after notice as required by law, and shall make appropriate recommendations to the governing body together with its explanatory materials.

22-1-4 Public hearing by Board of Supervisors:

Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by law after which the governing body may make appropriate changes in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by law. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the Zoning Ordinance.

(Ord. of 8-3-2004)

ARTICLE 23. VIOLATIONS AND PENALTIES

23-1. Failure to obtain permit or obtaining permit upon false statement.

It shall constitute a violation of this Ordinance for any person, firm or corporation, either owner, agent or occupant, to do any of the things for which a permit is required by this Ordinance without having first obtained the said permit; and any permit issued upon a false statement of any fact which is material to the issuance thereof shall be voidable at the discretion of the Board of Supervisors. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Supervisors, the zoning administrator, at the direction of the Board, shall forthwith revoke the same, by notice in writing to be delivered to the holder of the void permit upon the premises where the violation has occurred, or, if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any such person, firm or corporation who shall proceed thereafter with such work or use without having obtained a new permit in accordance with this Ordinance shall be deemed guilty of violation thereof.
(Ord. of 4-9-1996)

Editor's note—The amendment of 4-9-1996 made a permit obtained upon false statements voidable at the discretion of the Board of Supervisors, when the facts have been proven to its satisfaction.

23-2. Violations generally.

It shall constitute a violation of this Ordinance for any person, firm or corporation, either owner, agent or occupant, to violate, disobey, neglect or refuse to comply with or resist the enforcement of any of the provisions of this Ordinance. Each failure, refusal, neglect or violation, and each day's continuance thereof shall constitute a separate offense.
(Ord. of 7-5-1995)

Editor's note—The amendment of 7-5-1995 added the word "violate" before "disobey" in the first sentence. In the second sentence, the words "failure, refusal, neglect or violation and each" before "day" were added; "day" was changed to "day's"; "continuance thereof" was inserted and "upon which said violation shall continue" was deleted before "shall constitute"; and "violation" was deleted and "offense" inserted at the end of the sentence.

23-3. Penalty.

It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Ordinance. Any person who is convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not less than ten dollars (\$10.00), nor more than one thousand dollars (\$1,000.00). Each failure, refusal, neglect or violation, and each day's continuance thereof, shall constitute a separate offense.
(Ord. of 7-5-1995)

Editor's note—The amendment of 7-5-1995 deleted a fine limit of two hundred fifty dollars (\$250.00) and added a limit of one thousand dollars (\$1,000.00) in order to make the fine structure current with state law. The old last sentence, "Each day which a violation continues shall constitute a separate violation", was deleted and the new last sentence added.

ARTICLE 24. CONSTITUTIONALITY

24-1. Severability.

Should any section or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

25-1

CULPEPER COUNTY CODE

**ARTICLE 25. REPEAL OF CONFLICTING
PROVISIONS**

25-1. Repealer.

All Ordinances or parts thereof which are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their conflict.

ARTICLE 26. EFFECTIVE DATE

26-1. Prescribed.

This Zoning Ordinance of the County of Culpeper, Virginia, shall be in full force and effect on and after its adoption; the public welfare demanding it.

Editor's note—The original ordinance was adopted December 5, 1967.

27-1

CULPEPER COUNTY CODE

ARTICLE 27. EXISTING STRUCTURES USE PERMIT

27-1. Purpose.

27-1-1 Purpose:

The purpose of these provisions is:

27-1-1.1 To encourage the reuse of structures that existed prior to the approval of this ordinance and any amendments thereto.

27-1-1.2 To provide a planned use which serves an existing need in Culpeper County.

27-1-1.3 To permit uses without necessitating rezoning to allow said uses.

27-1-1.4 To allow planned improvement of nonconforming uses.

27-1-1.5 To encourage the planning and utilization of structures for uses not in conflict with surrounding uses in a manner which will contribute to the economic base of Culpeper County or otherwise further the purposes of this Ordinance.
(Ords. of 10-5-1979; 5-24-1989)

27-2. General requirements.

Uses approved under the provisions of this Article shall be special uses requiring a use permit and following the procedures outlined in Articles 17 and 20 of this Ordinance. The proposed use shall also be subject to the regulations of this Article and any other pertinent provisions of this Ordinance.
(Ord. of 10-6-1976)

27-3. Plan requirements.

Any application filed for an existing structures use permit shall include all documents and materials required by Article 20 of this Ordinance and a detailed description of the proposed use.
(Ord. of 10-5-1976)

27-4. Function and use regulations.

27-4-1 Permitted uses:

Uses allowed with an existing structures use permit shall fall within the preview of section 27-1 of this Article, and further shall be limited to include only those uses which:

27-4-1.1 Avoid traffic congestion.

27-4-1.2 Provide adequate off-street parking.

27-4-1.3 Are of a nature that neither hours of operation nor noise generated shall adversely affect the surrounding land uses.

27-4-1.4 In no other way have a detrimental impact on surrounding land uses.
(Ord. of 10-5-1976)

27-5. Area regulations.

27-5-1 Use to be contained within existing structure:

Use of any existing structure shall be contained wholly within said structure, including any additions or alterations thereto, as shown on the site plan submitted with the application.

27-5-2 Sight distance and visibility requirements:

No additions to the existing structure or placement of new structures, signs or landscaping shall violate the sight distance and visibility requirements of this Ordinance or those of the Virginia Department of Transportation.

27-5-3 Front, rear and side yard requirements:

All front, rear and side yard requirements of the district in which the site lies shall be met when building new structures or adding on to the existing structure.
(Ord. of 10-5-1976)

27-6. Site improvements.

The proposed use shall comply with the required improvements of section 20-6 of this Ordinance.
(Ord. of 10-5-1976)

27-7. Height requirements.

The height restrictions of the district in which the building site lies shall prevail except where the provisions of Article 9 of this Ordinance apply. (Ord. of 10-5-1976)

27-8. Off-street parking.

27-8-1 Number of parking spaces:

The total number of parking spaces to be provided shall be determined in accordance with Article 10-3-4 of this Ordinance. The total number of the required parking spaces shall be located on the premises.

27-8-2 Off-premises parking:

When space is not available or when available space is inappropriate because of physical site characteristics or improvements, the applicant shall demonstrate that the required off-street parking spaces are available within a walking distance of eight hundred (800) feet. The applicant shall produce written documentation of ownership or an agreement with the owner of off-premises parking spaces to demonstrate that sufficient spaces have been leased and assigned to the applicant for the sole purpose of meeting the parking requirements of the applicant's intended use.

27-8-3 Parking improvements:

The parking improvements listed in Article 10-2 of this Ordinance shall be adhered to. (Ord. of 10-5-1976)

27-9. Reserved.*

27-10. Minimum requirements.

Notwithstanding section 27-9, however, the following minimum requirements shall be complied with in every case.

27-10-1 Vehicular access points:

Vehicular access points to the site and any street improvements, including widening and directional turning lanes if necessary, shall be

***Editor's note**—Former section 27-9, adherence to requirements, as added by Ord. of 10-5-1976, was repealed by Ord. of 5-24-1989.

provided in compliance with the standards set forth by the Virginia Department of Transportation.

27-10-2 Pedestrian walkways and entranceways:

Pedestrian walkways and entranceways shall provide direct access from existing and designated new parking areas to the building and shall connect with any existing pedestrian walkways. The applicant shall demonstrate that the proposed pedestrian walkways will offer protection to the users from motor vehicles.

27-10-3 Buffers:

The proposed use shall be buffered so as to provide a harmonious transition from the proposed use to surrounding uses. To accomplish this, the applicant may incorporate design elements, including but not limited to open space corridors, natural vegetation screens, park and recreation facilities or landscaping.

27-10-4 Nighttime illumination:

All parking, loading, access and service areas and pedestrian and vehicular corridors shall be adequately illuminated at night if necessitated by the applicant's operation. Such lighting, including sign lights, shall be arranged so as to protect the highway and adjoining property from direct glare or hazardous interference of any kind.

27-10-5 Sign requirements:

No sign or other structure shall be erected unless it fully complies with those requirements of Article 11 of this Chapter for the least intense district in which the proposed use would be permitted by right. (Ord. of 10-5-1976)

27-11. Nonconforming use applicability.

Any structure containing a nonconforming use may qualify for a use permit under the provisions of this Article. If said application is approved, however, acceptance shall constitute the changing of a nonconforming use to a conforming use and thereby negate any rights peculiar to a nonconforming use. (Ord. of 10-5-1976)

27-12

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27-12. Time limit on permit.

Permits issued pursuant to this Article shall remain in effect until such time as the use for which the permit was granted is altered in any manner from the use as stated in the application for permit; or the approved use ceases to operate for a period of one year. At this time, the permit shall become null and void. However, the Board of Supervisors may, after receiving the recommendations of the Planning Commission, grant a time extension for lapsed uses in those cases where termination of the use has been caused by events beyond the control of the current holder of the permit.

(Ord. of 10-5-1976)

27-13. Development plan changes during construction.

After the final development plan has been approved and when, in the course of carrying out this plan, adjustments or rearrangements of parking areas, entrances, heights or yards are requested by the applicant and such requests conform to the standards established by the approved final plan for the area to be covered by buildings, site improvements, height requirements and parking spaces, such adjustments may be approved by the zoning administrator upon application and without fee.

(Ord. of 10-5-1976)

27-14. Future additions or alterations.

There shall be no future additions or alterations to the structure as shown on the plan submitted with the application for permit. Deviations from the approved plan shall constitute the creation of a new use and require application for a new permit in the manner prescribed hereinabove.

(Ord. of 10-5-1976)

ARTICLE 28. MOBILE HOME USE PERMIT

28-1. Purpose.

The purpose of these provisions are to:

28-1-1 Permit placement:

Allow mobile homes to be placed in agricultural, commercial and industrial zoning districts; and

28-1-2 Protect health, safety and welfare:

Ensure that each mobile home is sited in a manner which protects the health, safety and welfare of the occupants and the general public.

(Ords. of 11-3-1976; 8-2-1983)

28-2. General requirements.

28-2-1 Prior to issuance of use permit:

The following requirements shall be met by every applicant for a mobile home use permit prior to issuance of said permit:

28-2-1.1 Sewage disposal and water supply system approval by the Culpeper County Health Department;

28-2-1.2 Bond agreement to cover the expenses of removing any mobile home which remains on the site over six (6) months after the expiration date of the permit; and

28-2-1.3 Ownership of the land on which the mobile home is to be located by the applicant or the applicant's immediate family.

28-2-2 Prior to occupancy:

The following requirements shall be met by every applicant securing a mobile home use permit prior to occupancy of said mobile home:

28-2-2.1 Culpeper County Health Department approval of well and sewer connections and construction.

28-2-2.2 Culpeper County Building Official approval of anchoring, tie-down, elec-

trical service and any other requirements on mobile homes which that official is authorized to regulate.

28-2-3 After placement on lot:

The following requirements shall be adhered to by every applicant securing a mobile home use permit within sixty (60) days of placement on the lot, unless the applicant can demonstrate that compliance with said time limit is physically infeasible because of health conditions. In such cases, the zoning administrator may grant a time extension not to exceed four (4) additional months.

28-2-3.1 Skirting which completely screens the undercarriage of the mobile home.
(Ord. of 11-3-1976)

28-3. Temporary use permits.

28-3-1 Uses:

Temporary use of a mobile home may be permitted for the following purposes:

28-3-1.1 Occupancy for up to three (3) years while constructing a dwelling.

28-3-1.2 Occupancy for up to one year while reconstructing a dwelling.

28-3-1.3 Occupancy as an office on a construction site for the duration of such work.

28-3-1.4 Occupancy for up to one year for an emergency hardship.

28-3-1.5 Occupancy for up to five (5) years for a medical hardship or by those providing the primary care for such a hardship.

28-3-2 Specific requirements:

In addition to meeting the general requirements of section 28-2, the applicant for a temporary mobile home use permit shall comply with the following specific requirements:

28-3-2.1 The mobile home shall be located on the same property as the intended construction or on which the hardship occurs or which is affected by or directly linked to the occurrence of the hardship, except for medical hardships, which are limited in location to property owned or

controlled by either the care provider or care recipient, and resided on by both. The number of care recipients unrelated to the care provider is limited to no more than two (2) individuals or as exempted by the Board of Supervisors.

28-3-2.2 A building permit must have been issued for a temporary use permit during construction/reconstruction and must remain in effect and in good standing to maintain the use permit.

28-3-2.3 A request for medical hardship must be accompanied by a statement from at least one doctor certifying to physical or mental incapacity that requires an independent care giver or special equipment that can be provided through a temporary mobile home use permit.

28-3-2.4 Utility services and connection shall be consolidated with existing site uses wherever possible and must be adequate to accommodate all uses. Sewer and water service must be provided on site.

28-3-2.5 In the case of emergency hardship, a finding shall be made and documented by the zoning administrator under the definition found in section 2-33A of the Zoning Ordinance.

28-3-3 Administration:

28-3-3.1 A temporary mobile home use permit shall be issued in accordance with Article 28 by the zoning administrator, based upon the criteria in section 28-3-2, and reviewed at least annually by the same for the permitted duration unless it is determined by the Administrator that review by the Planning Commission and approval by the Board of Supervisors is needed.

28-3-3.2 Consideration of a temporary mobile home use permit for emergency or medical hardship purposes requires consultation with the Board of Supervisors member from the district in which the proposed use is located to provide referral on area character, duration community concern and site capability.

28-3-3.3 Extension of the time limits of section 28-3-1 may be granted by the zoning administrator for up to one year or as may be authorized by the Board of Supervisors after review by the Planning Commission and an advertised public hearing.

28-3-3.4 All applications for emergency or medical hardships shall receive immediate priority from the Building Official's office, which shall, upon request of the applicant, promptly perform all inspections and, upon successful passage, issue all needed permits under priority status. (Ords. of 11-3-1976; 4-3-1990)

28-4. Renewable use permits.

28-4-1 Uses:

Use of a mobile home on a renewable basis may be permitted for the following purposes:

28-4-1.1 Occupancy by a farm tenant.

28-4-1.2 Use for office employment and equipment.

28-4-1.3 Use as a classroom for educational and institutional purposes.

28-4-2 Specific requirements:

In addition to meeting the general requirements of section 28-2, the applicant for a renewable mobile home use permit shall comply with the following specific requirements prior to review and approval by the Board of Supervisors:

28-4-2.1 The principal income of a farmer tenant shall be at least eighty percent (80%) derived from the farm on which the mobile home is located.

28-4-2.2 Use as an office or classroom is an accessory use to an appropriate existing use that is consistent with the zoning district in which it is located. All plumbing fixtures shall be removed, and no sewer/water connections shall be allowed unless specifically authorized by the Board of Supervisors.

28-4-2.3 All nonresidential uses and modifications to mobile homes must be ap-

proved by the Building Official and are subject to the appropriate building permits. Medical treatment and patient residency are specifically prohibited.

28-4-3 Administration:

Renewable mobile home use permits shall be issued by the zoning administrator only after review by the Planning Commission and approval by the Board of Supervisors. A time limit for reexamination shall be set by the Planning Commission and included in its recommendation to the Board of Supervisors. The zoning administrator shall then review each case annually until the condition for which the permit was granted no longer exists or the time limit has expired, whichever comes first. At this time, continued use of the mobile home shall require reapplication for a new use permit. (Ords. of 11-3-1976; 4-3-1990)

28-5. Right to public hearing.

28-5-1 Right available to any applicant:

Any applicant shall have the right to public hearing by requesting review by the Planning Commission and approval by the Board of Supervisors. The zoning administrator shall act according to the Board's decision. (Ord. of 11-3-1976)

ARTICLE 29. CONDITIONAL ZONING

29-1. Policy and purpose.

It is the general policy of Culpeper County, in accordance with the provisions of § 15.2-2283, Code of Virginia, to provide for the orderly development of land, for all purposes, through zoning and other land development legislation. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change. It is the purpose of this Article to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community's interests that are not generally applicable to land similarly zoned.
(Ords. of 2-5-1980; 7-3-1990)

29-2. Proffer of conditions.

Any owner of real property who is an applicant for a Zoning Map amendment (rezoning) of his property may, as part of his application, proffer, in writing, reasonable conditions concerning the use and development of his property, including off-site improvements that may serve or benefit his property and the public welfare. Proffered conditions shall be in addition to those regulations provided in Appendix A (Zoning) of the Culpeper County Code and applicable to the particular zone classification sought in said application and may only be accepted, provided that:

29-2-1 Rezoning creates need:

The rezoning itself gives rise to the need for the proffered conditions:

29-2-2 Reasonable relation:

Such conditions have a reasonable relation to the rezoning; and

29-2-3 Conformance with Comprehensive Plan:

All such conditions are in conformity with the Comprehensive Plan of Culpeper County.
(Ords. of 2-5-1980; 7-3-1990)

29-3. Form of proffers.

29-3-1 Proffer statement:

All proffered conditions shall be set forth with clarity and specificity in a "proffer statement," which shall follow the following format:

PROFFER STATEMENT

RE: Applicant's Name

Owner's Name (if different from Applicant)

Date

Rezoning File Number (if number has been assigned by the Office of Planning and Zoning)

I (we) hereby proffer that the use and development of this property shall be in strict accordance with the following conditions:

1.

2.

3.

etc.

29-3-2 Revisions to proffer statement:

Any revision to the proffer statement shall be submitted in the same format, with a new date, and shall include at the end of the statement the following:

The conditions set forth in this proffer statement supersede all conditions set forth in previous proffer statements submitted as a part of this application.

29-3-3 Plans, profiles, etc.:

The applicant may also proffer to use and develop his property in accordance with the schematic land use plan or other plans, profiles, elevations, demonstrative materials and written statement submitted as a part of his general plan of development. In such case, the

proffer statement shall make reference to such materials, and each copy of such materials shall contain the following statement:

I hereby proffer that the use and development of this property shall be in strict accordance with the proffered conditions set forth herein and/or depicted thereon.

29-3-4 Proffer statements to be notarized:

All proffer statements and materials referenced in Subsection 29-3-3 immediately above shall be signed and notarized by all the owners of the property, as well as the applicant, if they are different persons.
(Ords. of 2-5-1980; 7-3-1990)

29-4. Procedure for submission of proffer statements and materials; acceptance.

29-4-1 Original submission:

All proffer statements and/or materials shall be first submitted at the time of application but may be amended from time to time as desired by the applicant. Original statements or materials first submitted after the Planning Commission hearing are subject to re-referral to the commission for comment before the opening of the Supervisors' hearing. Substantial amendments submitted later than two (2) weeks prior to the final public hearing of the Board of Supervisors shall not be deemed acceptable for incorporation into the statement or materials but shall be accepted for consideration of the need for a further public hearing by the Board of Supervisors, which may schedule an additional public hearing to consider late amendments, at its option.

29-4-2 Late submission of amendments:

Any late amendment submission shall act to extend by a period of one month the total time allowed by law for review and consideration of a rezoning request if, by virtue of the above requirement for an additional public hearing and the Board's schedule, the matter would be placed for hearing after the expiration of the allowed review period.
(Ords. of 2-5-1980; 7-3-1990)

29-5. Effect of acceptance.

29-5-1 Conditions binding upon adoption:

The governing body, when acting on an application for a Zoning Map amendment, may adopt as a part of the Zoning Map the proffered conditions, in whole or in part, set forth by the applicant. Once adopted by the governing body, such proffered conditions shall be binding on the use and development of the property and shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance and/or map.

29-5-2 Map references; conformance to existing conditions:

The Zoning Map and other appropriate files maintained by the zoning administrator shall reference the existence of adopted proffered conditions attached to various properties. Any site plan, subdivision plan, development plat or permit application thereafter submitted for development of property to which proffered conditions have attached shall conform to all such conditions and shall not be approved by any County official in the absence of such conformity. For the purpose of this section, "conformity" shall mean such conformity which leaves a reasonable margin of adjustment due to final engineering data but conforms to the general nature of the development, the specific uses and also the layout depicted by the plans, profiles, elevations and other demonstrative materials presented by the applicant.

29-5-3 Authority of zoning administrator:

The zoning administrator shall have all enforcement and administrative authority so granted to him by § 15.2-2299 of the Virginia Code, 1950, as amended, in the enforcement and administration of conditions, once adopted and made part of this Chapter.

29-5-4 Guaranty:

The zoning administrator or his agent may require a guaranty, satisfactory to the Board,

in an amount sufficient for and conditioned upon the construction of any physical improvements required by the proffered conditions or a contract for the construction of such improvements and the contractor's guaranty, in like amount and so conditioned, which guaranty may be reduced or released by the Board upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part. Said guaranty shall be required no later than final site plan or subdivision approval.

29-5-5 Failure to comply; consequences:

Failure to meet or comply with any proffered condition shall be sufficient cause to deny the issuance of any permits, grading permits, zoning permits, building permits, use permits and certificates of occupancy as may be deemed appropriate by the zoning administrator.

29-5-6 Right of appeal:

Any person aggrieved by any decision of the zoning administrator regarding any proffered condition or the regulations contained in this section or the denial of any permit may appeal such decision to the Board of Supervisors. Such appeal shall be filed within thirty (30) days from the date of notice of the decision by filing a notice of appeal with the zoning administrator. Such notice shall be a written statement specifying in full the grounds on which aggrieved and the basis for the appeal.

29-5-7 Board of Supervisors to hear appeals:

Upon receipt of the appeal notice, the Board of Supervisors shall take such testimony as it deems appropriate and render its decision, in writing, within sixty (60) days after receipt of the appeal notice. The Board of Supervisors may reverse or affirm wholly or partly or may modify the decision of the zoning administrator brought upon appeal.

(Ords. of 2-5-1980; 7-3-1990)

29-6. Review of map amendments with proffer statements.

29-6-1 Submissions: All submissions relating to rezoning cases shall be made to the Office of Planning and Zoning.

29-6-2 Review: When an amendment to the Zoning Map has been initiated and a proffer statement filed in conjunction therewith, the Planning Director shall cause the amendments to be expeditiously reviewed by such staff, departments, offices, agencies or other personnel as he finds appropriate.

29-6-3 Summary of findings: The review shall include an examination of the applicant's proffer statement and/or materials. The Director or his designee may suggest revisions to the proffer statement in order to clarify the proffers volunteered by the applicant. In addition, before the application is scheduled for a public hearing before the Planning Commission, the Director or his designee shall present to the applicant a summary of the findings of the review in order that the applicant may make modifications of his application should he desire to do so.

29-6-4 Public hearing: After the Director shall have presented a summary of the review findings to the applicant, the application shall be referred to the Planning Commission for public hearing. The Director shall not be required to refer such application immediately but shall consider the applicant's preference, the Planning Commission's schedule and the appropriate use of County staff.

(Ords. of 2-5-1980; 7-3-1990)

ARTICLE 30. ENTRANCE CORRIDOR OVERLAY DISTRICT—EC

30-1. Intent.

The entrance corridor overlay district is intended to implement the comprehensive plan goal of protecting the County's natural, scenic and historic, architectural and cultural resources including preservation of natural and scenic resources as the same may serve this purpose; to ensure a quality of development compatible with these resources through architectural control of development; to stabilize and improve property values; to protect and enhance the County's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the County from tourism; to support and stimulate complimentary development appropriate to the prominence afforded properties deemed to be of historic, architectural or cultural significance, all of the foregoing to be balanced with the economic realities of development, and being deemed to advance and promote the public health, safety and welfare of the citizens of the Culpeper County and visitors thereto.
(Ord. of 6-4-2002(3))

30-2. Application.

The entrance corridor overlay district (hereafter referred to as EC) is created to conserve elements of the County's scenic beauty and to preserve and protect corridors:

30-2-1 Along arterial streets or highways (as designated pursuant to Title 22.1 of the Code of Virginia, including § 33.1-41.1 of that title) found by the Board of Supervisors to be significant routes of tourist access to the County; or

30-2-2 To preserve historic landmarks as established by the Virginia Landmarks Commission together with any other buildings or structures within the County having an important historic, architectural or cultural interest and any historic areas within the County as defined by § 15.2-2201 of the Code of Virginia; or

30-2-3 To preserve designated historic landmarks, buildings, structures or districts as identified in the Culpeper County Comprehensive Plan.

30-2-4 EC overlay districts may be applied over any basic zoning district and/or other overlay district. EC overlay districts are hereby established:

30-2-4.1 To the full depth of all parcels of land that are contiguous to the rights-of-way of the following EC streets in Culpeper County, or to a depth of five hundred (500) feet from the rights of way, whichever shall be greater, but in no case to exceed one thousand five hundred (1,500) feet, along the following EC streets in Culpeper County:

1. U.S. Route 211
2. U.S. Route 229
3. U.S. Route 522
4. U.S. Route 15
5. U.S. Route 15-29
6. U.S. Route 15-29 Business (Town Corporate Limits to Route 15-29)
7. U.S. Route 3
8. Virginia Route 615 (Orange County Line to Route 522)
9. Virginia Route 614 (Route 615 to Route 721)

(Ord. of 6-4-2002(3))

30-3. Permitted uses.

30-3-1 By right: The following uses shall be permitted by right in any EC overlay district:

30-3-1.1 Uses permitted by right shall include all uses permitted by right in the underlying districts except as herein otherwise provided.

30-3-2 By Special use permit: The following uses shall be permitted by special use permit in any EC overlay district.

30-3-2.1 Uses permitted by special use permit shall include all uses permitted by special use permit in the underlying districts;

30-3-2.2 Outdoor storage, display and/or sales associated with permitted uses, any portion of which would be visible from an EC street; provided that review shall be

limited to the intent of this section. Residential, agricultural and forestal uses shall be exempt from this provision.

(Ord. of 6-4-2002(3))

30-4. Area and bulk regulations; minimum yard and setback requirements; height regulations; landscaping and screening; preservation of natural features.

Area and bulk regulations, minimum yard and setback requirements, and height regulations shall be as provided by the underlying district, except that the following provisions and limitations shall apply to any development or portion thereof which shall be visible from a designated EC street.

30-4-1 A certificate of appropriateness is required for the following:

30-4-1.1 Except as otherwise provided in Section 30-7, no building permit shall be issued for any purpose unless and until a certificate of appropriateness has been issued in accord with Section 30-8 or Section 30-9 for improvements subject to such building permit.

30-4-1.2 Except as otherwise provided in Section 30-6, for any development subject to approval under Article 20, site plans, no final site development plan shall be approved unless and until a certificate of appropriateness has been issued in accord with Section 30-8 or Section 30-9 for all building improvements shown thereon.

The certificate of appropriateness shall be binding upon the proposed development as to conditions of issuance. The certificate shall certify that the proposed development as may be modified by the conditions of issuance is consistent with the design guidelines adopted by the Board of Supervisors for the specific EC street. Signature by the zoning administrator upon the final site development plan or building permit, as the case may be, shall be deemed to constitute such certification.

In making such determination as to consistency with design guidelines, the architectural review board may specify any architectural feature as to appearance,

such as, but not limited to, motif and style, color, texture and materials together with configuration, orientation and other limitations as to mass, shape, height and location of buildings and structures, location and configuration of parking areas and landscaping and buffering requirements to the extent such practices are authorized under the adopted design guidelines without regard to regulations of the underlying zoning district or regulations of Article 20 of this ordinance. However, the Architectural Review Board must balance their design decisions with the economic realities of those decisions. The Architectural Review Board may waive any of the adopted design guidelines at their discretion. Such a waiver must be justified due to cost or some other unique circumstance or hardship.

30-4-1.3 Regulations of Section 20-6-7, Screen Planting, shall apply within any EC overlay district except that:

- a) In addition to the provisions of Section 30-4-1, the architectural review board may require specific landscaping measures in issuance of a certificate of appropriateness, as the same may be related to insuring that the proposed development is consistent with the design guidelines adopted by the Board of Supervisors for the specific EC street.

Existing trees, wooded areas and natural features shall be preserved except as necessary for location of improvements as described in Section 20-6 provided that the Architectural Review Board may authorize additional activity upon finding that such activity will equally or better serve the purposes of this ordinance. Such improvements shall be located so as to maximize the use of existing features in screening such improvements from EC streets to the extent such practices are authorized under the adopted design guidelines.

- b) The certificate of appropriateness shall indicate the existing features to be preserved pursuant to the preceding paragraph; the limits of grading or other earth disturbance; the location and type of protective fencing, and grade changes requiring tree wells or tree walls.
- c) No grading or other earth disturbing activity (including trenching or tunneling), except as necessary for the construction of tree wells or tree walls, shall occur within the trip line of any trees or wooded areas nor intrude upon any other existing features designated in the certificate of appropriateness for preservation.
- d) Areas designated on approved plans for preservation of existing features shall be clearly and visibly delineated on the site prior to commencement of any grading or other earth-disturbing activity (including trenching or tunneling) and no such disturbing activity or grading or movement of heavy equipment shall occur within such area. The visible delineation of all such existing features shall be maintained until the completion of development of the site.

(Ord. of 6-4-2002(3))

30-5. Sign regulations.

Signage shall be governed in part by the provisions of Article 11, particularly, as they pertain to allowable total square footage. Signage in EC overlay districts shall be subject to the provisions of Section 30-4-1 of this Article.

(Ord. of 6-4-2002(3))

30-6. Nonconformities; exemptions.

30-6-1 Any use, activity, lot or structure subject to the provisions of the EC overlay district that does not conform to the provisions of the EC overlay district shall be subject to Article 12, non-conforming buildings and uses, of this ordinance.

30-6-2 An owner may repair and maintain a nonconforming structure or a structure occupied or used by a nonconforming use as provided in Article 12 of this ordinance, upon determination by the zoning administrator that such repair or maintenance would not be contrary to the intent and purposes of this Section 30-6.

(Ord. of 6-4-2002(3))

30-7. Exemptions.

30-7-1 The provisions of Section 30-4-1 notwithstanding, no certificate of appropriateness shall be required for the following activities.

30-7-1.1 Interior alterations to a building or structure having no effect on exterior appearance of the building or structure.

30-7-1.2 Construction of ramps and other modifications to serve the disabled.

30-7-1.3 The repair and maintenance of structures authorized pursuant to Section 30-6-2.

30-7-1.4 Main and accessory residential, forestal and agricultural buildings where no site plan is required for the work subject to the building permit.

30-7-1.5 General maintenance where no substantial change in design or material is proposed.

30-7-1.6 Additions or modifications to a building where no substantial change in design or material is proposed as determined by the Zoning Administrator.

30-7-2 Development within village centers as identified in the Culpeper County Comprehensive Plan may, as an alternative to the provisions of Section 30-4-1, obtain a certificate of appropriateness for a specific and detailed set of design guidelines for the overall development. Once such guidelines have been approved and received a certificate of appropriateness, individual site plans and structures would be exempt from individual reviews by the Architectural Review Board. In such instances, an expiration may be placed on the

certificate of appropriateness, such that the guidelines could be revisited after an established period of time.
(Ord. of 6-4-2002(3))

30-8. Administration.

This Article shall be administered by the Zoning Administrator and by an Architectural Review Board created and appointed by the Board of Supervisors of Culpeper County pursuant to Article 30A, Architectural Review Board, of this ordinance.

The Architectural Review Board shall be responsible for issuance of certificates of appropriateness as required by this Article. In some instances as identified herein, the Zoning Administrator may issue certificates of appropriateness. Application for a certificate of appropriateness together with a fee as may be set from time to time by the Board of Supervisors shall be filed by the owner or contract purchaser of the subject property with the Zoning Administrator. Materials submitted with the application or on subsequent request by the architectural review board shall include all plans, maps, studies and reports which may be reasonably required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records. The Zoning Administrator shall forward the application together with all accompanying materials to the Architectural Review Board within five (5) calendar days of the date of application.

Notice of application submittal shall be sent by first class mail to each member of the Planning Commission, Board of Supervisors, and the applicant. No certificate of appropriateness shall be issued within ten (10) calendar days of the date of mailing of such notice. The notice shall state the type of use proposed, specific location of development, including magisterial district, appropriate County office where the application may be reviewed and date of the Architectural Review Board meeting.

Upon receipt of an application, the Architectural Review Board shall schedule the same for consideration and shall cause such notice to be sent as herein above required. The Architectural

Review Board shall confer with the applicant and shall approve or disapprove such application and, if approved, shall issue a certificate of appropriateness therefore, with or without conditions together with such modifications as deemed necessary to insure compliance with this section. It shall be permissible for an application for a certificate of appropriateness and a site plan application to be filed concurrently. In such instances, the Architectural Review Board must meet prior to the scheduled public hearing for the site plan. Failure of the Architectural Review Board to approve or disapprove such application within sixty (60) days from the date of application shall be deemed to constitute approval of the application. In any instance where action is delayed at the request of the applicant, the sixty (60) day time period shall be automatically extended by an amount equal to the requested delay.

Nothing contained in this Article, entrance corridor overlay district—EC, shall be deemed to compromise, limit, or otherwise impair the Commission in its exercise of site plan review as set forth in Article 20, Site Plans, of this ordinance. It is the express intent of the Board of Supervisors that matters related to public health and safety as may be defined by the Commission shall prevail over issues of aesthetics as may be defined by the Architectural Review Board. Therefore, the Commission in its review of any site plan may modify, vary or waive any requirement of the certificate of appropriateness as issued by the Architectural Review Board upon finding that such action would better serve the public health or safety, or upon finding that the costs associated with certain requirements are unreasonable.

30-8-1 Applications made to the Architectural Review Board may be made in three (3) different formats.

30-8-1.1 Preliminary site plan review: This type of submission contains the minimum amount of information necessary for the Architectural Review Board to make a determination. Following review of a preliminary site plan, a certificate of appropriateness may be issued by the Zoning Administrator for projects where no more detailed review is needed in the opinion of the Zoning Administrator. The prelimi-

nary review process may also be utilized by the applicant to obtain feedback on a project prior to submitting a final site plan. This type of review shall be adequate for smaller projects and for projects in which site plan approval is administrative. Any application can be referred to the Architectural Review Board at the discretion of the Zoning Administrator.

30-8-1.2 Final site plan review: This type of submission contains the full range of information needed for the Architectural Review Board to make a final determination regarding a certificate of appropriateness. Most development proposals in the EC district shall be subject to this type of review.

30-8-1.3 Sign review: This type of submission contains only enough information needed for the Zoning Administrator to make a final determination regarding a certificate of appropriateness for signs.

(Ord. of 6-4-2002(3))

Court of the County for review by filing a petition at law, setting forth the alleged illegality of the action of the Board of Supervisors, provided such petition is filed within thirty (30) days after the final decision is rendered by the Board of Supervisors.

For the purposes of this section, the term "person aggrieved" shall be limited to the applicant, the Architectural Review Board or any member thereof, the Commission or any member thereof, the agent, the Zoning Administrator, the County Administrator, the Board of Supervisors or any member thereof.

(Ord. of 6-4-2002(3))

30-9. Appeals.

The Board of Supervisors reserves unto itself the right to review all decisions of the architectural review board made in the administration of this Article that, in its discretion, it shall deem necessary to the property administration hereof.

Any person aggrieved by any decision of the Architectural Review Board in the administration of this section may demand a review of the application by the Board of Supervisors. Such demand shall be made by filing a request therefore in writing with the clerk of the Board of Supervisors within ten (10) calendar days of the date of such decision. The Board of Supervisors may affirm, reverse or modify, in whole or in part, the decision of the Architectural Review Board. In so doing, the Board of Supervisors shall give due consideration to the recommendation of the Architectural Review Board together with such other evidence as it deems necessary for a proper review of the application.

Any person or persons jointly or severally aggrieved by any decision of the Board of Supervisors may appeal such decision to the Circuit

30A-1

CULPEPER COUNTY CODE

ARTICLE 30A. ARCHITECTURAL REVIEW BOARD

30A-1. Appointment and organization.

There is hereby created an Architectural Review Board consisting of five (5) members, who shall be appointed by the Board of Supervisors and shall have the powers and duties as set forth herein.

The members shall consist of two (2) qualified residents of Culpeper County who shall have a demonstrated interest, competence or knowledge in architecture and/or site design, two (2) members of the Planning Commission, and one (1) member of the Board of Supervisors.

Members shall be appointed for terms to be determined by the Board of Supervisors.

The Architectural Review Board may, from time to time, adopt such rules and regulations consistent with the ordinances of the County and the laws of the Commonwealth, as it may deem necessary to carry out the duties imposed by this ordinance. The meetings of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine. The board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. All records of official actions shall become part of the permanent records of the board. A quorum shall be a majority of all the members of the board.

Within the limits of funds appropriated by the Board of Supervisors, the Architectural Review Board may employ or contract for such secretaries, clerks, legal counsel, consultants and other technical and clerical services as the Architectural Review Board may deem necessary for transaction of its business. The Architectural Review Board shall have the authority to request the opinion, advice or other aid of any officer, employee, board, bureau or commission of the County within the scope of his or its respective competence.

Members of the Architectural Review Board shall receive such compensation as may be authorized by the Board of Supervisors, from time to time.

(Ord. of 6-4-2002(4))

30A-2. Powers and duties.

30A-2-1 The Architectural Review Board shall administer the provisions of Article 30, Entrance Corridor Overlay District—EC, in accordance with duties as set forth in such district; and shall promulgate appropriate design standards for such districts for recommendation by the Planning Commission and ratification by the Board of Supervisors;

30A-2-2 The Architectural Review Board may, from time to time, recommend areas for designation as EC overlay districts;

30A-2-3 The Architectural Review Board shall be advisory to the Planning Commission, Board of Supervisors and Board of Zoning Appeals in rezonings, use permits, comprehensive plan amendments, and variances within EC overlay districts.

(Ord. of 6-4-2002(4))

30A-3. Assumption of powers and duties by the Planning Commission.

30A-3-1 Upon adoption of Article 30, Entrance Corridor Overlay District, if there is an interim period in which there has not been appointed an architectural review board, the Planning Commission shall assume the duties and powers of the architectural review board in order to administer the provisions of Article 30.

30A-4-1 The Board of Supervisors shall have the authority to allow the Planning Commission to act as the architectural review board on an ongoing basis as an alternative to appointing a review board. Similarly, the Board of Supervisors may disband the architectural review board at any time, and on such an occasion, the Planning Commission would assume the powers and duties of the architectural review board.

(Ord. of 6-4-2002(4))

ARTICLE 31. AGRICULTURAL ENTERPRISE USE PERMIT

31-1. Purpose.

It is the purpose of this Article to allow agriculture-related uses of higher intensities than those defined as agriculture in this Ordinance when they further adopted goals, plans and policies for maintaining and enhancing the agricultural economic base of Culpeper County.
(Ord. of 1-3-1984)

31-2. General requirements.

Uses approved under the provisions of this Article shall be considered special uses within agricultural zoning districts. Submission and review must follow the procedures outlined in Article 17 of this Ordinance.
(Ord. of 1-3-1984)

31-3. Plan requirements.

Any application filed for an agricultural enterprise use permit shall be accompanied by a detailed, written description of the proposed use. This document shall, along with any reasonable conditions imposed by the governing body and a site plan prepared in accordance with the requirements of Article 20, become the basis for enforcing future compliance with the permit.
(Ord. of 1-3-1984)

31-4. Function and use regulations.

Uses allowed with an agricultural enterprise use permit shall be convincingly shown by the applicant to promote, preserve and generally relate to the agricultural economy of Culpeper County. For the purposes of making the determination, the governing body shall consider:

31-4-1 Impact: The impact the proposed use will have on the agricultural character and operations of the surroundings;

31-4-2 Benefits: The benefits the proposed use will have towards maintaining or enhancing the agricultural economic base of the property in particular and Culpeper County in general;

31-4-3 Furtherance of adopted goals, etc.: The degree to which the proposed use will further adopted goals, plans and policies of Culpeper County to protect the environment, provide an efficient transportation network and ensure the public's health, safety and welfare; and

31-4-4 Mitigation of potential threats: The success with which the proposed use is designed to mitigate potential threats to the environment and people of Culpeper County.
(Ord. of 1-3-1984)

31-5. Adherence to requirements.

Height, area, setback, parking, sign and any other requirements for the proposed use shall be those of the district in which the use would normally fall, except that any such regulation may be made more stringent as a reasonable condition of approval.
(Ord. of 1-3-1984)

31-6. Development plan changes during construction.

After the final development plan has been approved and if, in the course of construction, adjustments or rearrangements of parking areas, entrances, heights, yards or other incidental locational and dimensional criteria are requested by the applicant, they may be approved by the zoning administrator, provided that each and every request conforms to all applicable ordinances.
(Ord. of 1-3-1984)

31-7. Future additions or alterations.

No structural or use addition or alteration from the approved plan and written description shall be permitted without rendering the permit null and void and inviting legal action as prescribed in this Ordinance.
(Ord. of 1-3-1984)

31-7

CULPEPER COUNTY CODE

MINIMUM LOT, AREA, WIDTH AND YARD REQUIREMENTS
 (See Article 9, Section 9-5-3.8)

<i>Zone</i>	<i>Minimum Residential Area Regulations (Cluster)</i>			
	<i>Single-Family</i>	<i>Duplex/0-Lot</i>	<i>Townhouse</i>	<i>Apartment</i>
A-1	—	—	—	—
RA	—	—	—	—
RR	43,560	—	—	—
R-1	20,000	—	—	—
R-2	15,000	15,000	—	—
R-3	6,000	6,000	2,000	—
R-4	—	—	—	—

Minimum Residential Width Requirements (Cluster)								
Zone	Single-Family		Duplex/0-Lot		Townhouse		Apartment	
	INT	CNR	INT	CNR	INT	CNR	INT	CNR
A-1	—	—	—	—	—	—	—	—
RA	—	—	—	—	—	—	—	—
RR	120	120	—	—	—	—	—	—
R-1	85	100	—	—	—	—	—	—
R-2	75	90	65	75	—	—	—	—
R-3	55	75	55	75	20	40	—	—
R-4	—	—	—	—	—	—	—	—

<i>Minimum Residential Yard Regulations (Cluster)</i>									
<i>Zone</i>	<i>Single-Family</i>			<i>Duplex/0-Lot</i>			<i>Townhouse</i>		
	<i>F</i>	<i>S(C)</i>	<i>R</i>	<i>F</i>	<i>S(C)</i>	<i>R</i>	<i>F</i>	<i>S(C)</i>	<i>F</i>
A-1	—	—	—	—	—	—	—	—	—
RA	—	—	—	—	—	—	—	—	—
RR	50	20(40)	35	—	—	—	—	—	—
R-1	45	15(25)	30	—	—	—	—	—	—
R-2	40	10(20)	25	40	15(25)	25	—	—	—
R-3	25	8(20)	15	25	8(20)	15	35	0(15)	25
R-4	—	—	—	—	—	—	—	—	—